90-1340

Supreme Court, U.S.
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IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1990

SUPREME COURT CASE NO.

ELEANOR S. SIMPSON,
Petitioner

v.

DONALD M. SIMPSON; TERRY C. YOUNG,
GILES, HEDRICK & ROBINSON, P.A.;
TANYA PLAUT; LAWSON LAMAR, SHERIFF
OF ORANGE COUNTY, FLORIDA; AND MINNIE BRIDGES;
Respondents

PETITION FOR A WRIT OF CERTIORARI TO THE ELEVENTH CIRCUIT COURT OF APPEAL

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QUESTIONS PRESENTED FOR REVIEW

1. WHETHER THE PETITIONER WAS DENIED THE EQUAL PROTECTION OF THE LAW BY NOT BEING ALLOWED TO CLAIM A HOMESTEAD EXEMPTION ON HER PROPERTY INTEREST IN THE FORMER MARITAL RESIDENCE OF THE PARTIES.

2. WHETHER THE PETITIONER WAS DENIED SUBSTANTIVE AND PROCEDURAL DUE PROCESS OF LAW WHEN SHE WAS NOT ALLOWED TO MAKE A BID ON HER HOMESTEAD PROPERTY AND WAS NOT ALLOWED AN OPPORTUNITY TO REDEEM PRIOR TO FINAL DEPRIVATION OF HER PROPERTY.

3. WHETHER THE PETITIONER WAS DENIED HER RIGHTS TO SUBSTANTIVE DUE PROCESS WHEN EXCESSIVE FORCE WAS USED AGAINST HER IN THE EXECUTION OF A STATE ENFORCEABLE WRITS ORDER

4. WHETHER THE RESPONDENTS WERE ACTING UNDER COLOR OF STATE LAW IN DEPRIVING THE PETITIONER, ELEANOR S. SIMPSON, OF SUBSTANTIVE AND PROCEDURAL DUE PROCESS AND TO THE EQUAL PROTECTION OF THE LAW WHEN THE SHERIFF OF ORANGE COUNTY FLORIDA SOLD THE PETITIONER'S INTEREST IN HER MARITAL RESIDENCE TO HER FORMER HUSBAND, HAVING A VALUE IN EXCESS OF $100,000 FOR THE SUM OF $8,400.00 UNDER AN UNCONSTITIONALLY INFIRMED NOTICE OF SALE

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LIST OF INTERESTED PARTIES

The undersigned, as the attorney for the Petitioner, ELEANOR S. SIMPSON, pursuant to United States Supreme Court Rule 14.1(b), supplies herewith, the following certificate of interested persons, showing unto the court as follows:

1. The district judges in the U.S. Middle District, Orlando District were Patricia Fawsett and Wendall Sharp. The judges on the Eleventh Circuit Court of Appeal were C. Clyde Atkins, Elizabeth Kravitch and R. Lanier Anderson.

2. The parties having a direct interest in the outcome of this appeal are as follows:

ELEANOR S. SIMPSON
DONALD M. SIMPSON
TERRY C. YOUNG
GILES, HEDRICK & ROBINSON, P.A.
TANYA PLAUT
MINNIE BRIDGES
LAWSON LAMAR, Sheriff of Orange County, Florida

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3. The names of all attorneys having a direct interest in the outcome of this appeal are as follows:

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CONCISE STATEMENT OF THE GROUNDS ON WHICH THE JURISDICTION OF THIS COURT IS INVOKED

This is a Petition for Writ of Certiorari from the Eleventh Circuit Court of Appeal.

The date of the entry of the judgment of the Eleventh Circuit Court of Appeal is November 15, 1990, a per curiam offirmance order of the trial court's summary final judgments.

This court has jurisdiction under Title 28, United States Code Section 1254(1).

The Petitioner, ELEANOR S. SIMPSON, has ninety (90) days from the judgment of the Eleventh Circuit Court of Appeal dated November 15, 1990 in which to file a Petition for Writ of Certiorari with this court. That deadline date is February 13, 1991.

CONSTITUTIONAL PROVISIONS, TREATISES, STATUTES, ORDINANCES AND REGULATIONS WHICH THE CASE INVOLVES

This case involves the following constitutional provisions, treatises, statutes, ordinances and regulations, to-wit:

1. U.S. Constitution, 14th Amendment, Section One which provides:

"All persons born or naturalized in the United States, and subject to the jurisdictions thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the priviledges or immunities or citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its

jurisdiction the equal protection of the laws."

2. U.S. Constitution, 5th Amendment which provides in pertinent part that:

"No person shall be deprived of life, liberty, or property, without due process of law"...

3. Title 28, United States Code, Section 1983 which provides:

"Every person who under color of any statute, ordinance, regulation, custom, or usage of any state or territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof, to the deprivation of any rights, priviledges, or immunities, secured by the constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

4. Title 42, United States Code, Section 1985(3), which provides:

"If two or more persons in any State or Territory conspire... for the purpose of depriving either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the law; or for the purpose of preventing or

hindering the constituted authorities of any state or territory from giving or securing to all persons within such state or territory the equal protection of the law;...in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of citizens of the United States, the party so injured or deprived may have an action for the recovery of or deprived may have an action for the recovery of damages occasioned by such injury or deprivation against any one or more of the conspirators."

4. Florida Constitution, Article X, Section 4A in effect on April 30, 1984 which provided:

"There shall be exempt from forced sale under process of any court, and no judgment, decree or execution shall be a lien thereon, except for the payment of taxes and assessments thereon, obligations contracted for the purchase, improvements, or repair thereof, or obligations contracted for house, field or other labor forms under realty, by the following property owned by the <u>head of a family</u>, or:

> 1. A homestead...if located within municipality to the extent of 1/2 acre of contiguous land, upon which the exemption shall be limited to the

residence of the owner or his family...(emphasis added)

5. Florida Constitution, Article X, 4a Amendment approved November 1984 that the homestead exemption from forced sales shall apply to:.

"the following property owned by a natural person:(1) a homestead.... (emphasis added)

6. Florida Statute 56.22 Execution sales; time, date, and place of sale" which statute provides:

"All sales of property under legal process shall take place at the time, date, and place advertised in the notice of sheriff's sale on any day of the week except Saturday and Sunday and shall continue from day to day until such property is disposed of. Property not effectively disposed of at the initial sheriff's of sale may be readvertised, as provided in s. 56.21, upon receipt of an additional deposit to cover costs connection of the maintenance of the property under legal process. In the event no additional deposit received by the sheriff, the property may be returned to the Respondent; if the Respondent refuses to accept such property, the property may be returned to a third party, such as a lien holder, upon presentation of proper court order

directing such return. If none of the above can be accomplished, such property shall be disposed of as unclaimed or abandoned.

7. Florida Statute, Section 45.031 "Judicial Sales Procedure", which provides:

"In any sale of real or personal property under an order of judgment, the following procedure may be followed as an alternative to any other sale procedure if so ordered by the court:

(1) SALE BY CLERK-In the order or final judgment, the court shall direct the clerk to sell the property at public sale on a specified day that shall be not less than 20 days after the date thereof, on terms and conditions specified in the order or judgment. In cases when a person has an equity of redemption, the court shall not specify a time for the redemption, but the person may redeem the property at any time before the sale. Notice of sale shall be published once a week for 2 consecutive weeks in a newspaper of general circultation, as defined in chapter 50, published in the county where the sale is to be held. The second publication shall be at least 5 days before the sale. The notice shall contain:

a. A description of the property to be sold.

b. The time and place of sale.

c. A statement that the sale will be made pursuant to the order or final judgment.

d. The caption of the action.

e. The name of the clerk making the sale. The clerk shall receive a service charge of $40 for his services in making, recording, and certifying the sale and title that shall be assessed as costs. The court may enlarge the time of the sale. Notice of the changed time of sale shall be published as provided herein.

STATEMENT OF THE CASE

This Petition for Writ of Certiorari in this court is from an order of the Eleventh Circuit Court of Appeal dated November 15, 1990 affirming partial final summary judgment of the United States middle district court entered on July 10, 1989, dismissing with prejudice the Petitioner's civil rights suit against the Respondents, upon motion by the Respondents for summary judgment and a supplemental final summary judgment dated August 4, 1989 and filed August 7, 1989.

The Petitioner had originally filed suit in the U.S. Middle District, Orlando Division, against the named Respondents for violation of her civil rights under Title 42, U.S.C. Section 1983 and under Title 42, U.S.C. Section 1985(3), as well as for other pendant claims.

The federal district court order dated July 10, 1989 dismissed the Third Amended Complaint with prejudice as to all counts and all parties, except the allegations concerning the deputy's use of excessive force during Petitioner's arrest on counts IV and V and the allegations as to Respondent Simpson in count IX. A subsequent judgment of dismissal of Petitioner's counts IV and V with prejudice, was dated August 4 and filed August 7, 1989. After non-jury trial, the trial court denied Petitioner's relief in count IX pursuant

to an order dated August 24, 1989. This order is not on appeal.

On April 16, 1985, the Petitioner filed a multi-count complaint against DONALD M. SIMPSON, TERRY C. YOUNG, GILES, HEDRICK & ROBINSON, P.A., TANYA PLAUT, and LAWSON LAMAR, as Sheriff of Orange County, Florida, et. al. for alleged violation of her civil rights under Title 42, U.S.C., Section 1983 and Title 42 U.S.C., Section 1985(3), including various counts for pendant jurisdiction. Petitioner, after various motions to dismiss and orders thereon filed a first, second, and third amended complaint.

Various of the Respondents' Motion to Dismiss Petitioner's second amended complaint were granted on September 26, 1986. This order was without prejudice. Petitioner thereafter filed a Motion for Leave to File a Third Amended Complaint

R4 100, which was granted by the District Court on October 22, 1986. The Respondent, MINNIE BRIDGES, d/b/a MINNIE BRIDGES Realty, was added in the Third Amended Complaint.

Thereafter, each of the Respondents filed various Motions to Dismiss Petitioner's third amended complaint. The Motion to dismiss of the Respondent, TANYA PLAUT, was granted on December 2, 1986. Petitioner then filed a Motion for Reconsideration or in the alternative a Motion for Entry of Judgment as to this Respondent.

During the months of March, April, May and June, 1989, each of the Respondents filed various Motions for Summary Judgment, to which the parties filed various memoranda of law.

Petitioner represented herself in proper person when she filed various

notices and amended notices of appeal from the federal district court's summary judgment.

The essential facts of this case show that on April 30, 1984, the Sheriff of Orange County, Florida, LAWSON LAMAR, sold Petitioner's one half interest in her marital residence, awarded to her in her dissolution proceeding to her former husband, DONALD M. SIMPSON at 11:00 a.m. for $8,400, the amount of a judgment held against Petitioner by Petitioner's former attorney, TANYA PLAUT. The sale was conducted as a sheriff's execution sale under Florida Statute 56.22, rather than as a clerk's sale under Florida Statute 45.031. The Notice of Sale prepared by the Sheriff stated that Petitioner's interest in her homestead marital residence of over 23 years would be sold to the highest bidder over a three hour

period, i.e. between 11:00 a.m. and 2:0
p.m. When Petitioner showed up by 12:3
p.m. to make the highest bid so as to pa
off the Judgment, the deputy sherif
refused to allow her to bid, telling
Petitioner he had already sold
Petitioner's interest to her ex-husband,
DONALD M. SIMPSON at 11:00 a.m.

Petitioner immediately protested and
filed a motion to set aside the sale
which was denied after opposition by
DONALD M. SIMPSON, LAWSON LAMAR, TANYA
PLAUT, TERRY C. YOUNG, and GILES, HEDRICK
& ROBINSON, P.A. DONALD M. SIMPSON, TERRY
C. YOUNG and GILES, HEDRICK & ROBINSON,
P.A. had Petitioner evicted through a
Writ of Possession. The house was
quickly listed and sold at TERRY YOUNG'S
recommendation by MINNIE BRIDGES, a
sister of a sitting circuit court judge
over Petitioner's strong objections while

her dissolution was still on appeal.

The final judgment of dissolution of marriage awarded the parties an equal interest in the marital home, and further provided that the house was to be partitioned through a public sale in the event the parties had not sold the house within six (6) months from the date of the entry of the final judgment. The final judgment further provided that all net proceeds from the sale were to be equally distributed between the parties. A subsequent order allowed Petitioner to stay in the home until all appeals were exhausted, which was not done. The final judgment also awarded ELEANOR S. SIMPSON, the sum of Twenty Thousand ($20,000.00) Dollars, as restitution and reimbursement of one-half of the marital assets which were misspent by DONALD M. SIMPSON on a known prostitute and drug addict.

Both husband and wife appealed to th state appellate court. DONALD M. SIMPSO was required to post a supersedeas bon and agreed to file with the Circuit Cour of Orange County, a certificate o deposit with Coral Gables Federal in th amount of $22,655.00 which he cashed i violation of the trial court's orde because the Clerk failed to keep th original certificate of deposit.

During the pendency of the initia dissolution proceedings, the Petitioner' attorney, TANYA PLAUT, withdrew fro representing ELEANOR S. SIMPSON and file a separate lawsuit against ELEANOR S. SIMPSON for attorney's fees which she ha previously disclaimed in 1982.

While ELEANOR S. SIMPSON'S appeal o her dissolution proceeding was pending i the state appellate court, th Respondent, TANYA PLAUT, procured a fina

judgment against ELEANOR S. SIMPSON for $8,100.00.

The Respondent, TANYA PLAUT, then caused the Sheriff, LAWSON LAMAR, to issue a Notice of Sheriff's Levy dated March 24, 1984, levying upon the property interest of ELEANOR S. SIMPSON, to her marital and homestead residence.

LAWSON LAMAR, as Sheriff of Orange County, Florida, through Sgt. Stuart Trainum, then caused to be published in the local newspaper, a Notice of Sheriff's Sale, which provided:

"That on the 30th day of April, 1984, between the legal hours of 11:00 o'clock in the fore noon and 2:00 o'clock in the afternoon on said date, at the East door of the Courthouse in Orlando, Orange County, Florida, I will offer for sale and sell to the highest bidder for cash on demand, the above described property as the property of said Respondent, to satisfy said Judgment and Writ of Execution."

ELEANOR S. SIMPSON read the Notice of Sheriff's Sale and understood it to mean

that she could show up between the hour
of 11:00 o'clock and 2:00 p.m. and mak
the highest bid on the Judgment hel
against her by TANYA PLAUT so as to pa
if off.

ELEANOR S. SIMPSON showed up at th
Sheriff's office at approximately 12:3
p.m. on April 30, 1984, to make th
highest bid on the sale, so as to pay of
the judgment and redeem her homestea
property. Deputy Trainum advised tha
she could not bid on the property sinc
he had already sold the property t
DONALD M. SIMPSON, at 11:00 a.m. in th
presence of TANYA PLAUT, TERRY YOUNG an
DONALD M. SIMPSON for the mere sum o
$8,400.00. The Sheriff's Notice of Sal
for execution now provides that sale
shall commence at 11:00 a.m. - a
substantial difference and admission b
the Sheriff that the prior notice wa

unconstitutionally vague. The value of ELEANOR S. SIMPSON'S one half interest was at least $75,000 - $100,000, or more. The Petitioner objected and stated she had until 2:00 p.m. to make the highest bid, but the Sheriff's deputy refused to allow her to bid at all and refused to allow the Petitioner to pay off the judgment or to otherwise redeem here interest in the property by paying off the judgment prior to the 2:00 p.m. deadline.

The Respondent, DONALD M. SIMPSON, was given additional time to secure the funds to pay on his bid. In fact, the Petitioner saw DONALD M. SIMPSON in the Sheriff's office as she was going in to out bid DONALD M. SIMPSON.

Petitioner filed a motion to vacate the sheriff's sale which was denied by

the Orange county circuit court on Jun 13, 1984.

Before the sale, ELEANOR S. SIMPSON had attempted to prevent the sale by claiming the property as her homestead. While representing herself, ELEANOR S. SIMPSON filed an emergency motion to stop the sale which was denied by the Orange county circuit court.

The Respondent, LAWSON L. LAMAR, issued his sheriff's deed on May 1, 1984, to the Respondent, DONALD M. SIMPSON, in care of the Respondent, TERRY C. YOUNG at GILES, HEDRICK & ROBINSON, P.A.

Petitioner had requested from the Respondent TANYA PLAUT and the Respondents, TERRY C. YOUNG, GILES, HEDRICK & ROBINSON, P.A. and DONALD M. SIMPSON, the right to pay off the judgment held by PLAUT. All of these Respondents refused to allow the

Petitioner to pay off the judgment before or after final deprivation of her property interests. PLAUT refused to withdraw the sale. Immediately thereafter, DONALD M. SIMPSON, through his attorney, TERRY C. YOUNG, and GILES, HEDRICK & ROBINSON, P.A. filed various motions for writ of possession against the Petitioner, and had the Petitioner forcibly removed from the home that she had lived in for twenty-two (22) years, while the dissolution was still on appeal.

DONALD M. SIMPSON, immediately following the Sheriff's sale, sold the residence through realtor Respondent, MINNIE BRIDGES, the sister of Cecil H. Brown, an Orange county circuit court Judge, one day after its listing and over $60,000.00 below its market value. MINNIE BRIDGES was referred to DONALD M. SIMPSON by TERRY YOUNG.

Petitioner's used Petitioner's monie to buy her interest in her house by usir monies from a certificate of deposi pledged to the Clerk of Orange County a a supersedeas bond. In fact, under th dissolution judgment, DONALD M. SIMPSO owed ELEANOR S. SIMPSON $20,000.00 fo restitution at the time he bough Petitioner's interest in her home!

In October, 1983, the Petitioner' ex-husband, DONALD M. SIMPSON and hi attorneys, TERRY C. YOUNG and GILES HEDRICK & ROBINSON, P.A. obtained a order from the Orange county circui court granting permission for th Sheriff's forcible entry of th Petitioner's home for the removal o various items of personal property.

When ELEANOR S. SIMPSON objected t the deputy sheriff removing one of he prized Hummel possessions, she wa

subjected to excessive force and abuse by the deputy sheriff, and was immediately placed under arrest. All of the criminal charges of resisting arrest without violence and assault and battery were dismissed. The order granting the permission for the Sheriff's forcible entry during the recovery of personal and marital property made no provision for the resolution of any dispute that could arise between the parties as to whether the ex-husband was taking any of the personal property of the ex-wife. Also, the order was done while the dissolution was on appeal. The wife was arrested and incarcerated without any hearing as to her claims that her ex-husband was taking her personal property! The order was prepared by the ex-husband's attorney with the substantive approval of LAWSON LAMAR'S attorney.

ELEANOR S. SIMPSON had previousl complained vociferously in the Orang county state court proceedings about th conduct, police brutality and actions o the Respondents, and in fact, filed document with the Orange County Circui Court on June 9, 1983, entitle "Facts-Showing the Abuse of Justice an the Sham of This Trial." (see copy i Appendix) Additionally, ELEANOR S SIMPSON had made complaints about th judges' handling of her case, both on th local level as shown by the record an with the Florida Judicial Qualification Commission in Tallahassee.

After the Petitioner made numerou complaints to the local judges an judiciary, she claims that th Respondents then acted together or i concert or collaborated together as par of their retaliatory conduct to depriv

her of her civil rights to due process and equal protection of the law. At no time after her complaints about the local judiciary did any of the Circuit Judges protect ELEANOR S. SIMPSON'S one-half interest in the marital home awarded to her.

The Petitioner, ELEANOR S. SIMPSON, filed suit in the U.S. Middle District, Orlando Division, against the Respondents for damages for the violation of her civil rights under Title 42, U.S.C. Section 1983 and Section 1985(3), as well as various other pendant counts for constructive trust and false arrest.

ISSUE ONE

WHETHER THE PETITIONER WAS DENIED SUBSTANTIVE AND PROCEDURAL DUE PROCESS OF LAW WHEN SHE WAS NOT ALLOWED TO MAKE A BID ON HER HOMESTEAD PROPERTY AND WAS NOT ALLOWED AN OPPORTUNITY TO REDEEM PRIOR TO FINAL DEPRIVATION OF HER PROPERTY

In particular, the Petitioner has complained that notwithstanding her numerous efforts to redeem or pay the final judgment held by TANYA PLAUT on the date of the sale, she was refused this by all of the Respondents named in this count. The Petitioner was never given an opportunity to redeem her interest in her homestead where she had lived for twenty-two (22) years, prior to final deprivation of the same. Petitioner believes that this is an unconstitutional denial of her rights to due process in the ownership of her property.

In Luger v. Edmonson Oil Company, Inc., 457 U.S. 922, 73 L.Ed.2d. 482, 102 S.Ct. 2744 (1982), this Court held that joint action with state officials to accomplish the deprivation of constitutionally protected property interests will support a claim against

private parties under the civil rights statute. The procedural scheme created by the statute is a product of state action and is thus, subject to constitutional restrains and may be addressed in a civil rights action, if the second element of the state action requirement is met as well. In Luger, this court held that the debtor who was subjected to a pre-judgment attachment procedure under the state law was deprived of his property through state action.

In the instant action, the Petitioner has challenged the constitutionality of the statutory procedures set forth in Florida Statute 56.22, which is the statutory procedure utilized by these Respondents to deprive the Petitioner of her property without allowing her an

opportunity to redeem before fina
deprivation.

Beginning with Sniadach v. Famil
Finance Corp., 395 U.S. 337, 89 S.Ct
1820, 23 L.Ed.2d. 349 (1969), this cour
has consistently held that constitutiona
requirements of due process apply t
various garnishment and attachmen
procedures, whenever the officers of th
state act jointly with a creditor i
securing the property in dispute. I
North Georgia Finishing, Inc. v. Di
Chem, Inc., 419 U.S. 601, 95 S.Ct. 719
42 L.Ed.2d. 751 (1975), this court rule
the garnishment procedure statut
unconstitutional. In Mitchell v. W.T
Grant Company, 416 U.S. 600, 94 S.Ct
1895, 40 L.Ed.2d. 406 (1974), this cour
held the state statutory procedure to b
an unconstitutional denial of due proces
and also stated that the private use o

the challenged state procedures with the help of state officials constituted state action for the purposes of the Fourteenth Amendment.

In Lugar, this court noted that if a debtor in the state court debt collection proceedings can successfully challenge on federal due process grounds, the creditor's resort to the procedures authorized by state statute, it is difficult to understand why that same behavior by the state court Petitioner should not provide a cause of action under Section 1983. If the creditor violates the debtor's due process rights by seizing his property in accordance with statutory procedures, there is little or no reason to deny to the latter, a cause of action under the Federal Statute, Section 1983, designed to provide judicial redress for such constitutional violations.

In fact, in Fuentes v. Shevin, 40
U.S. 67, 92 S.Ct. 1983, 32 L.Ed.2d. 55
(1972), where debtor brought a 198
action against a private creditor and th
Florida Attorney General, this court hel
the Florida pre-judgment replevin statut
unconstitutional.

This court had consistently held tha
a private party's joint participatio
with state officials in the seizure o
disputed property is sufficient t
characterize that party as a state acto
for purposes of the Fourteenth Amendment
The rule in these cases is the same a
that articulated in Adicks v. S.H. Kres
& Company, 398 U.S. 144, 150, 90 S.Ct
1598, 1604, 26 L.2d.2d. 142 (1970)
wherein this court noted:

"Private persons, jointly engaged wit
state officials in the prohibited action
are acting "under color" of law, fo
purposes of the statute. To act "unde
color" of law does not require that th
accused be an officer of the state. I
is enough that he is a willfu

participant in joint activity with the state of its agents."

Quoting U.S. v. Price, 383 U.S. at 794, 86 S.Ct. at 1157

The Petitioner in this action was procedurally denied due process since she did show up under the notice to bid on her house between the hours of 11:00 a.m. and 2:00 p.m. The plain language of the notice of Sheriff's Sale leads any reasonable person to conclude that the highest bidder between the hours of 11:00 and 2:00 would obtain the property. The Sheriff refused to allow ELEANOR S. SIMPSON to bid in this three (3) hour period. None of the Respondents in this count allowed the Petitioner to bid after the ex-husband had bid at 11:00 a.m. The Sheriff refused to allow the Petitioner to redeem her property. These Respondents refused to allow the Petitioner to pay off the judgment debt

prior to final deprivation of her homestead interest of over twenty-two (22) years.

In the instant action, the Petitioner was given no post-deprivation remedy to satisfy the due process rule that she not be deprived of her property without due process of law. In the instant case, the Petitioner claims a constitutional right to have been given an opportunity to redeem her interest in the subject property or to at least been able to bid on the property between the hours of 11:00 a.m. and 2:00 p.m. as she was notified to do, and for which she was refused.

In fact, as Petitioner claimed in Count III of her third amended complaint, had the sale been conducted under Chapter 45,031, "Judicial Sales Procedures," of the Florida Statutes, which allows the

Clerk of the court rather than the Sheriff to conduct the sale, she would have had ten (10) days from the date of the sale in which to redeem her equity in the property. See Walters v. Galman, 286 So.2d 275 (Fla. 4th DCA 1973), Matter of Sarasota Land Company, 36 BR 536 (1983); Allstate Mortgage Corp. of Florida v. Strasser, 286 So.2d 201 (Fla.3d DCA 1973). Instead, Respondents used Florida Statute 56.22 "Execution, Sales; Time, Date, and Place of Sale," to deny Petitioner any right to redeem subsequent to sale or during the sale period. The above cited Florida cases and federal bankruptcy cases have ruled that under Chapter 45, redemption may be granted subsequent to the date of sale up until the issuance of the certificate of title ten (10) days later. Florida statute 56.22, denies equal protection of the law

and denies due process by not giving the judgment debtor any post deprivation right of redemption for Sheriff's execution sales as is allowed for Clerk's sales under Florida Statute 45.031. There is no rational reason for this different treatment.

Additionally, the Respondents and in particular the sheriff's failure to allow the Petitioner the opportunity to pay off the judgment or to redeem her interest in the property, at least until the 2:00 deadline, was a denial of her rights to due process because of the vagueness of the Notice of Sale which prejudiced Petitioner by not telling her the property could be sold at exactly 11:00 a.m. without futher bidding after that time.

The statutory procedure involved in Florida Statute 56.22, denies the

Petitioner procedural and substantive due process prior to final loss of her property, in violation of the Fourteenth Amendment, since it fails to contain any adequate post-deprivation remedy, as is provided to Respondents under Florida Statute Chapter 45.

The Petitioner does not believe it is asking too much that she be allowed the same right to bid on her property in the time frame given to her or to otherwise pay off the judgment or redeem her interest in the property on the same day of the sale or at least within the ten (10) day period as is granted to other judgment debtors under Chapter 45, before she loses forever, all of her right, title and interest to her former marital residence which she lived in for a period of over twenty-two (22) years and on which she was paying all mortgage

payments, taxes and insurance, maintenance and upkeep under the orders of the trial dissolution judge.

Even under the Magna Carta, neither the King nor his Baliff could seize any land or rent for any debt so long as the chattels of the debtor were sufficient to repay the debt, a right which was denied to the Petitioner in this action. Florida Statute Section 2.01 provides that the common law of England in effect as of July 4, 1976, is also the law of Florida, hence making the rights preserved in the Magna Carta applicable in Florida.

The Petitioner tried everything she could to effectuate a post-deprivation remedy. She filed a motion to set aside the sheriff's sale, which was denied. The statute provided her with no remedy or relief. These Respondents in

combination with the local judiciary refused to allow her any post deprivation relief.

The trial court's summary judgment in favor of these Respondents cannot be supported either by the facts or by the law, and should therefore be reversed, with directions to allow this to proceed to trial by jury.

The U.S. middle district court's judgment against the Petioner's claims of denial of equal protection of the laws and the Eleventh Circuit's per curiam affirmance conflict with this court's prior rulings and are a departure from constitutional law so as to support the issuance of a Writ of Certiorari from this court.

ISSUE TWO

WHETHER THE PETITIONER WAS DENIED THE EQUAL PROTECTION OF THE LAW BY NOT BEING ALLOWED TO CLAIM A HOMESTEAD EXEMPTION ON HER PROPERTY INTEREST IN THE FORMER MARITAL RESIDENCE OF THE PARTIES.

The Florida Constitution, Article X, provides for an exemption from forced execution sales for homestead property. It states: "There shall be exempt from forced sale under process of any court, the following property owned by the head of a family,:

1A. Homestead...if located within a municipality to the extent of one-half acre of contiguous land, upon which the exemption shall be limited to the residence of the owner or his family..." (Emphasis added)

In November, 1984, Article X of the Florida Constitution was amended by referendum to provide that the homestead exemption would apply to any natural person. See Wescott v. Wescott, 487 So.2d 1099 (Fla. 5th DCA 1987). An exemption for homestead property under the laws of Florida should be construed

liberally for the benefit of the one claiming the exemption. See Edward Leasing Corp. v. Uhlig, 652 F.Supp. 1409 (S.D. Fla. 1987); More v. Rote, 552 So.2d 1150 (Fla.3d DCA 1989).

Even the Florida supreme court has ruled that under the former constitution, it is possible for an owner to be a homesteader without having persons financially dependent upon him. See Public Health & Trust v. Lopez, 531 So.2d 946. 850 at note 5 (Fla. 1988).

The Petitioner was unconstitutionally denied her rights to equal protection of the laws since she was not allowed to perfect her claim to homestead exemption from forced execution sales of her home that she had lived in for a period of twenty-two (22) years and where she had conducted her real estate business and "farm area" in real estate business for

over 22 years.

This provision of the homestead exemption clause of the Florida Constitution, Article X, as applied by the Orange county circuit court and as applied by the United States middle district court unconstitutionally deprived the Petitioner of her equal rights to own homestead property since it unreasonably and unfairly discriminated against women. This is a class based and invidiously discriminatory against women See Life Ins. Co. of N.A. v. Reichart, 591 F.2d. 499 (9th Cir. 1979).

The only constitutionally permissible construction of the former Florida Constitution Article X, is to allow homestead exemption also to single or divorced women and widows without dependents who are heads of their own households, since to do otherwise allows

for invidious discrimination against single women who own their homes. In fact, in Cain v. Cain, 549 So.2d 1161 (Fla. 4th DCA 1989), the Florida appellate court refused to allow the ex-wife's attorney to levy against the ex-husband's one-half interest in the former marital residence to satisfy an award of attorneys fees and costs, holding that the ex-husband retained his homestead interest in the former marital residence notwithstanding the dissolution judgment awarding possession to the ex-wife where the ex-husband's children resided there, he still received some mail there and there was no evidence of either alienation of his interest or intent on his part to establish homestead elsewhere.

Under In Re: Estate of Melisi, 440 So.2d 584 (Fla.4th DCA 1983), DONALD M.

SIMPSON'S one-half interest could not be subject to forced sale because he could claim homestead, while the interest of ELEANOR S. SIMPSON could be sold. This is an invidious discrimination against women which should not be allowed. The Petitioner's claims of denial of equal protection of the law by unequal application of Article X, Section 4 of the Florida Constitution, states a claim for relief under Title 42, U.S.C. Section 1985(3). In fact, the Florida Supreme Court's own Commission On Gender Bias concluded, in its report of 1990:

1. "The Commission found during its two years of hearings and study that gender bias-discrimination based solely on one's sex--is a reality for far too many people involved in the legal system. And invariably, those who regard gender bias as an illusion have never suffered its effects. Indeed, the over-whelming weight of evidence and research gathered by the Commission supports only one possible conclusion: Although some may ignore its existence, gender bias permeates Florida's legal system today. Certainly the Commission is aware that the practice of law often only reflects

our society's larger culture. Gender bias surely did not originate with lawyers alone. Nevertheless, gender bias is practiced to a disturbing degree by members of this state's legal profession, often in forms that have become highly institutionalized. The refusal of some lawyers to acknowledge this fact is one of the primary mechanisms by which gender bias is perpetuated.

From its inception, the Commission's charge was to document the true scope of this problem and propose solutions. We were not asked simply to determine if gender bias exists in Florida, because this question already had been resolved by a detailed monograph published by Charlene Carres and the Florida State University Policy Studies Clinic. After reveiwing this monograph, the Chief Justice of Florida and his colleagues on the Florida Supreme Court concluded that gender bias does in fact exist in the state's legal system. The Court then created the Commission and ordered to "determine in what areas of our legal society bias based on gender exists, and recommend measures to correct, or at least minimize the effect of, any such bias." See copy of appendix filed with this Writ of Certiorari including portions of the report of the Florida Supreme Court Gender Bias Study Commission 1990". See also Article in Florida Bar Journel, "The Pressing Need to Eliminate Gender Bias in Florida's Justice System," by Justice Gerald Kogan, May, 1990, P.9, included in Petitioner's Appendix to this petition.

In fact, the Commission in its analysis of Florida's No Fault Divorce Legislation found that judicial decisions based upon what appears to be gender neutral language were gender-discriminatory in application. See Report P.45, See Appendix Re: Empirical Examination of Gender Bias in Florida Dissolutions of Marriages, etc. Appendix to Writ of Certiorary. Moreover, the Commission's survey also stated that Florida courts favored the husband in the division of marital property. The Commission's review of written appellate decisions published in the first half of 1989 tended to confirm these observations.

The evidence before the federal district court was replete with complaints from ELEANOR SIMPSON about her unfair and unequal treatment by the male judiciary in Orange County, Florida.

Even the Florida Supreme Court Commission on Gender Bias made a recommendation that the Florida Bar should amend the Code of Judicial Conduct and the Rules regulating the Florida Bar to prohibit inappropriate unprofessional behavior toward female litigants, witnesses and attorneys. The evidence before the federal judge in the instant action clearly showed that ELEANOR S. SIMPSON attempted to make a complaint to the chief judge of the circuit but was rebuffed in all of her efforts with the chief judge saying he had no authority or jurisdiction to do anything about her complaints. This is in contradiction to the recommendation of the Florida Supreme Court Gender Bias Commission to requre chief judges in each circuit to develop complaint procedures. See Report, P. 237, Recommendation N.10.

The Respondents did operate together to defeat and deprive the Petitioner of her homestead and did operate together and did object to her having an opportunity to redeem her interest in the property prior to final deprivation. None of the circuit judges did anything to enforce the final judgment of dissolution awarding ELEANOR S. SIMPSON one-half of the marital home even though a number of Florida cases supported the theory that all that DONALD M. SIMPSON obtained when he paid off the judgment to TANYA PLAUT was a lien for what he was due. See Andrews v. Andrews, 155 Sla. 654, 21 So.2d 205 (1945); Kronberg v. Krupa, 118 So.2d 7901 Fla. 3d DCA (1960); See Generally, 12 Fla. Jur. 2d Cotenancy & Partition, Section 16, "Unities of estate' requisites as to fair dealing". DONALD M. SIMPSON in fact owed ELEANOR S.

SIMPSON $20,000.00 when he bid on her property interest.

There is no question but that there is more than an operative set of facts from which a jury could reasonably infer that the judges were, in fact, biased against ELEANOR S. SIMPSON because of her sex and because of her vociforous complaints about her treatment as an ex-military spouse.

The Petitioner has shown sufficient facts to show the motivation from which a jury could reasonably infer the existence of a conspiracy, in violation of Title 42, U.S.C. Section 1985(3).

In Adicks v. S.H. Kress & Company, 398 U.S. 144, 90 S.Ct. 1598, 26 L.Ed.2d. 142 (1969), this court reversed a summary judgment entered by a district court with respect to the Petitioner's conspiracy count. In Adicks, this court noted that

in granting the motion for summary judgment, the district court simply stated that there was "No evidence in the complaint nor in the affidavits or other papers from which a "reasonably minded" person might draw an inference of conspiracy." This noted in Adicks that its own scrutiny of the factual allegations of the Petitioner's complaint as well as the material found in the affidavits and depositions presented, convinced the Supreme Court that summary judgment was improper, since the Respondents failed to carry its burden of showing the absence of any genuine issue of fact.

The rulings of the federal trial court and the Eleventh Circuit are in violation of this court's holdings in Adicks.

As noted by the concurring opinion of Justice Black, the existence or non-existance of a conspiracy is essentially a factual issue that the jury, not the trial judge should decide. The right to confront, cross-examine and impeach adverse witnesses is one of the most fundamental rights sought to be preserved by the Seventh Amendment provision for jury trials in civil cases. The advantages of trial before a live jury with live witnesses and all the possibilities of considering the human factors, should not be eliminated by substituting trial by affidavit in the sterile bareness of summary judgment. It is only when the witnesses are present and subject to cross examination that their credibility and the weight to be given to their testimony can be appraised. Trial by affidavit is not

substitute for trial by jury which has so long been a hallmark of even handed justice. See Pauler v. Columbia Broadcasting System, Inc., 368 U.S. 464, 473, 82 S.Ct. 486, 491 7 L.Ed.2d. 458 (1962).

Again, there is sufficient factual basis before the trial court to show that ELEANOR S. SIMPSON was a victim of discrimination on account of her sex. In particular, even the Florida Supreme Court Committee on Gender Bias Study found that even thought there is neutral language in the Florida "No Fault" divorce law, the law has been described as discriminatory against women. See Appendix M. This is what happen ed to ELEANOR S. SIMPSON. She was discriminated against on the basis of her sex and not allowed to make a claim for a

homestead exemption as is allowed to others in similar situations. This is a denial of ELEANOR S. SIMPSON'S right to equal protection based solely on her sex.

The District Court's granting of summary judgment under Petitioner's claims for Title 42, U.S.C. Section 1985(3) relief should be reversed with instructions to have this remanded to trial by jury See, e.g., Dennis v. Sparks, 449 U.S. 24, 449, 66 L.Ed.2d. 185, 101 S.Ct. 183 (1980) (wherein this Court held that an action under Title 42, U.S.C. Section 1983 against private parties who allegedly conspire with the state judge may be maintainable despite the state judge's immunity.

ISSUE THREE

WHETHER THE PETITIONER WAS DENIED HER RIGHTS TO SUBSTANTIVE DUE PROCESS WHEN EXCESSIVE FORCE WAS USED AGAINST HER IN THE EXECUTION OF A STATE ENFORCEABLE WRITS ORDER

Under Count I, the Petitioner, ELEANOR S. SIMPSON, sued her ex-husband, DONALD M. SIMPSON, as well as his attorney, TERRY C. YOUNG and GILES, HEDRICK & ROBINSON, P.A. for violation of her civil rights under Title 28, U.S.C. Section 1983.

In particular, the Petitioner alleged that on October 6, 1983, while the dissolution was on appeal to the Fifth District Court of Appeal of Florida, these Respondents did cause a deputy sheriff from the Orange county sheriffs department to go into the Petitioner's former marital residence with the ex-husband, DONALD M. SIMPSON, to seize and take numerous items belonging to the Petitioner and not belonging to DONALD M. SIMPSON. This is in violation of the Department's policy of providing two(2)

deputies for domestic disputes. When ELEANOR S. SIMPSON objected to the method and manner of taking of her items of personal property, the deputy sheriff did, without probable cause and without a warrant, assault and physically injure the Petitioner by using clearly excessive force, and did directly cause the Petitioner to suffer a fainting spell and did physically cause the Petitioner to suffer other injuries including lung surgery due to tuberculosis breakdown aggravated by the arrest and various nervous breakdowns. The Petitioner was caused to be placed under hospital care by Dr. Daniel Goldwyn, her psychiatrist.

The Petitioner was handcuffed by the deputy sheriff and taken to the Orange county jail where she was held for several hours until she could secure her release.

While 42 U.S.C. Section 1983 is a federal remedy which protects only federal constitutional rights and while state tort claims do not necessrily constitute Section 1983 claims, various federal court decisions have recognized that the facts underlying state tort claims for false arrest, abuse of process and malicious prosecution may also provide the basis for a Section 1983 claim. See, e.g., Tucker v. Duncan, 499 F.2d. 963 (4th Cir. 1974); Nesmith v. Alford, 318 F. 2d. 110 (5th Cir. 1963), cert. denied 375 U.S. 975, 84 S. Ct. 489, 11 L.Ed.2d 420 (1964); Shaw v. Garrison, 328 F.Supp. 390 (E.D. La. 1971), aff'd 467 F.2d. 113 (5th Cir.), cert. denied 409 U.S. 1024, 93 S.Ct. 467, 34 L.Ed. 2d 317 (1972); Sexton v. Gibbs, 327 F.Supp. 134 (N.D. Tex. 1970), aff'd 446 F.2d 904 (5th Cir. 1971), cert. denied 404 U.S.

1062, 92 S.Ct. 733, 30 L.Ed.2d 751 (1972).

The Respondents, DONALD M. SIMPSON, TERRY C. YOUNG, and GILES, HEDRICK & ROBINSON, P.A. directly caused the Order granting permission for Sheriff's forcible entry during recovery of personal property to be issued. The order's content was approved by William Vose, the sheriff's attorney. These Respondends intentionally violated the Petitioner's civil rights by not providing any procedure where she could voice any objections to the taking of her own items of personal property, gifts and inheritance that were originally awarded to her by the trial court.

The Fourth Amendment to the United States Constitution provides that every person shall be free from unreasonable searches and seizures.

See Tennessee v. Garner, 105 S.Ct. 1694, 1699, 85 L.Ed.2d.1 (1985). See Bell v. Wolfish, 441 U.S. 520, 559, 99 S.Ct. 1861, 1884, 60 L.Ed.2d. 447 (1979).

ISSUE FOUR

WHETHER THE RESPONDENTS WERE ACTING UNDER COLOR OF STATE LAW IN DEPRIVING THE PETITIONER, ELEANOR S. SIMPSON, OF SUBSTANTIVE AND PROCEDURAL DUE PROCESS AND TO THE EQUAL PROTECTION OF THE LAW WHEN THE SHERIFF OF ORANGE COUNTY FLORIDA SOLD THE PETITIONER'S INTEREST IN HER MARITAL RESIDENCE TO HER FORMER HUSBAND, HAVING A VALUE IN EXCESS OF $100,000 FOR THE SUM OF $8,400.00 UNDER AN UNCONSTITIONALLY INFIRMED NOTICE OF SALE.

The trial and appellate court misaprehends, misconstrues or misreads the legal requirements for a Section 1983 action of violation of civil rights. The trial court in its order of July 10, 1989, as well as in its order of August 4, 1989, improperly imposes upon the Petitioner, the legal requirement to show

a conspiracy as part of her burden of proof under a Section 1983 action. The trial court's order improperly places upon the Petitioner, an unnecessary burden to proof a conspiracy with state court judges under Section 1983 which is not required.

There is no requirement under Title 42 United States Code Section 1983 for the Appellant to allege and prove a conspiracy. Parratt v. Taylor, supra. The only conspiracy element requirement is found in Title 42 United States Code Section 1985(3). Section 1985(3) was adopted to protect persons from being deprived of their federal constitutional rights because of their belonging to a protected class.

The Petitioner in this action is not required by law to rely on allegations of conspiracy to prove or show the under color of state law element under Title 42 U.S.C. Section 1983 claim. She has made sufficient allegations that the Respondents were acting under color of state law for that purpose. Additional proof of a comspiracy with the state judges is not a necessary element; private conspiracies are also covered. See Hobson v. Wilson, 737 F.2d 1 (D.C. Cir. 1984).

Even if a conspiracy element is required the Petitioner in this action has made a showing of supporting operative facts to show a conspiracy for her claims under 42 U.S.C. Section 1985(3). Petitioner believes that a jury could reasonably infer that after she had made numerous complaints about her ill

treatment in the state court from judges biased against women that the opposing parties and the opposing parties attorneys did conspire and operate together with the circuit court judges and sheriff to defeat and deprive her of her rights to due process substantively and procedurally and to further defeat and deprive her of her interest in her homestead and her other items of personal property on the basis of her sex. The jury could also reasonably infer that ELEANOR S. SIMPSON made numerous attempts to have the circuit court judges enforce her final judgment of dissolution by allowing her to have her interest in the house that was sold to DONALD M. SIMPSON under the Chapter 56 sale. A jury could also reasonably infer from the totality of the circumstance and the more than numerous coincidences that there was more

to what happended to ELEANOR S. SIMPSON than just mere coincidences.

Proof of a conspiracy is often difficult. Adickes v. Kress Co. 398 U.S. 144 (1970). No Respondent will admit such. The jury should be allowed to make its own decision as to the operative facts which have in fact been alleged and supported by competent evidence. The Petitioner has established a prima facia case to support her allegations. See Fisher v. Shamburg, 624 F.2d. 156 (10th Cir. 1980) (holding that a slight chance of conspiracy creates a genuine issue of fact.) Mrs. SIMPSON had complained that she wanted to be represented by an "unbiased" judge and that she did not feel that she had been represented by an "unbiased" judge.

In Parrat v. Taylor, 451 U.S. 527, 68 L.Ed2d. 420, 101 S.Ct. 1908(1981), this

Court noted that Section 1983 actions afford a civil remedy for deprivations of federally protected rights caused by persons acting under color of state law. The Fourteenth Amendment provides that no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction, the equal protection of the laws.: Parrat, 451 U.S. 536.

The Petitioner has shown substantial evidence in the record before the Florida middle district court that the conduct complained of by the Respondents in this court were under color of state law, and that their conduct deprived her of her personal and real property without due

process of law, thus enabling here to sue under Section 1983.

REASONS FOR GRANTING A WRIT OF CERTIORARI

It is necessary and appropriate for this court to issue its Writ of Certiorari to review the per curiam affirmance decision of the Eleventh Circuit Court of Appeal affirming the dismissal with prejudice of the Petitioner's Third Amended Complaint for denial of due process and equal protection claims under Title 42, U.S.C. Section 1983 and 1985(3).

Essentially, the trial court and the Eleventh Circuit Court of Appeal have allowed the Respondents to utilize an unconstitutional state statute authorizing execution sales by the Sheriff to defeat and to deprive the

Petition, ELEANOR S. SIMPSON, of her property interest to her former marital residence and to further deprive her of her right to redeem her interest in that property prior to final deprivation.

It is necessary and proper for this court to exericise its Writ of Certiorari jurisdiction so as to protect the Petitioner's rights to due process and equal protection of the law. (See Gender Bias Study excerpts) and so as to bring the United States middle district and the Eleventh Circuit Court of Appeal decisions in conformance with the decisions of this court.

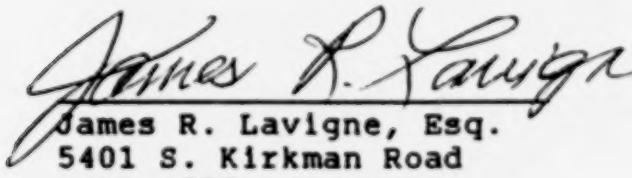
CONCLUSION

It is also necessary and proper for this court to issue its Writ of Certiorari so as to review the proceedings in the trial court below and in particular, to review the claims of

the Petitioner to denial of equal protection, especially, since the Florida supreme court itself has acknowledged that there is gender bias in the Florida court system which has directly affected Petitioner.

Dated this 5th day of February, 1991.

Respectfully Submitted



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IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1990

SUPREME COURT CASE NO.

ELEANOR S. SIMPSON,
Petitioner

v.

DONALD M. SIMPSON, TERRY C. YOUNG, GILES, HEDRICK & ROBINSON, P.A.; TANYA PLAUT, LAWSON LAMAR, SHERIFF OF ORANGE COUNTY, FLORIDA; AND MINNIE BRIDGES
Respondents

APPENDIX TO PETITION FOR WRIT OF CERTIORARI TO THE ELEVENTH CIRCUIT COURT OF APPEAL

VOLUME 1

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145 pp

IN THE UNITED STATES DISCTICT COURT
MIDDLE DISTRICT OF FLORIDA

CASE NO.: 85-455-CIV-ORL

ELEANOR S. SIMPSON

Plaintiff,

vs.

DONALD M. SIMPSON, TERRY C. YOUNG, GILES, HEDRICK & ROBINSON, P.A., TANYA PLAUT, MINNIE BRIDGES, and LAWSON LAMAR, as Sheriff, Orange County, Florida,

Defendants.

_____/

THIRD AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW the Plaintiff, ELEANOR S. SIMPSON, by and through her undersigned attorney and sues the Defendants, DONALD M. SIMPSON, TERRY C. YOUNG, GILES, HEDRICK & ROBINSON, P.A., TANYA PLAUT, MINNIE BRIDGES, and LAWSON LAMAR, as Sheriff, Orange County, Florida, and shows unto the Court as follows:

ALLEGATIONS TO ALL COUNTS

1. At all times material hereto the Plaintiff, ELEANOR S. SIMPSON, was a resident of Orange County, Florida.

2. At all times material hereto the Defendant, DONALD M. SIMPSON, was a resident of Orange County, Florida.

3. At all times material hereto the Defendant, TERRY C. YOUNG, was a resident of Orange County, Florida, and was an attorney at law practicing at the lawfirm of GILES, HEDRICK & ROBINSON, P.A., 109 E. Church Street, Orlando, Florida who were at all times material hereto the acting attorneys for DONALD M. SIMSPON. At all times hereto, the Defendant, TERRY C. YOUNG, was an associate attorney, agent or employee of the Defendant, GILES, HEDRICK & ROBINSON, P.A., who were the attorneys for the Husband, DONALD M. SIMPSON.

4. At all times material hereto the Defendant, TANYA PLAUT, was a resident of Orange County, Florida and was a practicing attorney in Orlando, Florida.

5. At all times material hereto the Defendant, LAWSON LAMAR, was the sheriff of Orange County, Florida.

6. The Defendant, MINNIE BRIDGES, was at all times material hereto a resident of Orange County, Florida and a licensed real estate broker, who at all times material hereto owed the Plaintiff, ELEANOR S. SIMPSON, a fiduciary duty as a licensed real estate broker in the State of Florida.

COUNT ONE

COMES NOW the Plaintiff, ELEANOR S. SIMPSON, by and through her undersigned attorney, and sues the Defendants, DONALD M. SIMPSON, TERRY C. YOUNG, GILES, HEDRICK & ROBINSON, P.A., and alleges as

follows:

8. This is an action for damages and other relief under Title 42, U.S.C., Section 1983, for deprivation of Plaintiff's civil rights.

9. This court has jurisdiction of the subject matter and the parties hereto pursuant to Title 28, U.S.C., Section 1343(3).

10. At all times material hereto, the Defendants, DONALD M. SIMPSON, TERRY C. YOUNG and GILES, HEDRICK & ROBINSON, P.A. did act in collaboration and jointly, and under color of law of the State of Florida, to deprive the Plaintiff of her rights, privileges, or immunities secured by the United States Constitution and its laws, and who, through their collaboration or joint efforts did deprive the Plaintiff of her constitutional rights to due process and

her constitutional rights to own and hold property by way of homestead as is provided to other citizens of the State of Florida, by the Constitution of the State of Florida.

11. These Defendants, as more particularly hereinafter set forth, did under color of law of the State of Florida and the customs and usage of the State of Florida and the County of Orange, and in particular the sheriff's office of Orange County, did cause or subject the Plaintiff, a citizen of the United States, to the deprivation of her rights, privileges or immunities secured by the United States Constitution and the laws of the United States, by among other things, violating the Plaintiff's constitutional rights as follows:

A. By violating the Plaintiff's right to an impartial tribunal in civil

action number CI 81-12127, entitled, IN RE: The Marriage of Donald M. Simpson, Husband, and Eleanor S. Simpson, Wife, in the Circuit Court in and for Orange County, Florida;

B. By violating the Plaintiff's right to be free from assault and battery by their actions in causing the Plaintiff to be subject to assault and battery by a deputy sheriff of Orange County, Florida in her own residence;

C. By violating the Plaintiff's right to be free from false imprisonment by having the Plaintiff falsely imprinsoned as more hereinafter set forth;

D. By violating the Plaintiff's constitutional rights to be free from malicious prosecution, malicious abuse of process and unlawful attachment.

E. By violating the Plaintiff's constitutional right to be free from the knowing use of perjured testimony.

F. By violating the Plaintiff's right to having a fair trial by their procuring the absence of a material witness at the trial in civil action number CI 81-12127, entitled IN RE: The Marriage of Donald M. Simpson, Husband, and Eleanor S. Simpson, Wife, and by hiding and secreting evidence in the garage of TANYA PLAUT.

G. By denying to the Plaintiff her rights to due process before a final deprivation of her property, while acting under color of state law.

H. By denying the Plaintiff her right to freemon of enterprise by intentionally acting under color of state law to deprive the Plaintiff of her homestead property and former marital

residence by use of unconstitutional means of taking the Plaintiff's former marital residence away so as to deny her her continued occupation as a real estate agent in the area, and her rights to her "farm area" in the neighborhood where she resided for over twenty-two (22) years.

12. The Defendants, DONALD M. SIMPSON, TERRY C. YOUNG and GILES, HEDRICK & ROBINSON, P.A., did violate the Plaintiff's federal constitutional right to be heard in her dissolution proceeding by an impartial judge by obtaining the recusal of the original circuit Judge, Richard B. Cooper, and obtaining a reassignment of the original divorce action to William C. Gridley, a judge who the Defendants knew would be favorable to DONALD M. SIMPSON and hostile and biased against the Plaintiff, ELEANOR S. SIMPSON.

A. In fact, the Plaintiff, ELEANOR S. SIMPSON, did file a motion to recuse William C. Gridley as her judge on account of his bias and hostility toward her, which proceedings to remove William C. Gridley were vigorously and fraudulently opposed by these Defendants, with the result that the Plaintiff was unable to obtain the removal of William C. Gridley.

B. These Defendants knew of the open hostility and bias of William C. Gridley to ELEANOR S. SIMPSON, as it is in the public records and the transcript of the proceedings before William C. Gridley that the Plaintiff had no right to control how DONALD M. SIMPSON spent the Plaintiff's own funds and monies, when the Plaintiff strenuously objected to DONALD M. SIMPSON paying and using her funds and monies for the support of a

known prostitute and drug addict.

C. These Defendants did make false and fraudulent statements before the Fifth District Court of Appeal which prevented the Plaintiff from having William C. Gridley removed as the judge in her case, with the result that she was denied the right to have her dissolution proceedings tried by an impartial tribunal.

D. As a direct and proximate result of these Defendant's actions in the deprivation of her rights under color of the state statutes and the Florida Rules of Civil Procedures, the Defendants have caused the Plaintiff to suffer the loss and the deprivation of her rights as aforealleged and which resulted in a Final Judgment prepared by these Defendants and signed by William C. Gridley, which caused Plaintiff economic

damages in excess of $100,000.00, which Final Judgment was not in accordance with the federal law and the Former Spouses Protection Act, Public Law 97-252, and in accordance with Florida decisional law and statutory law on the rights of the Plaintiff in a dissolution proceeding.

13. These Defendants did violate the Plaintiff's right to be secure in her person as an aspect of the liberty protected by the due process of law clauses of the Fifth and Fourteenth Amendments of the United States Constitution, when these Defendants did intentionally cause to be issued from the Circuit Court in and for Orange County, Florida, an order for forceable entry, a copy of which is attached hereto as Exhibit "T", which order is unconstitutional on its fact.

14. In further support of this claim of violation of the Plaintiff's constitutional rights by these Defendants, the Plaintiff would show that on October 6, 1983, these Defendants did cause various and sundry deputy sheriff's of the Orange County Sheriffs Department to be present on more than one occasion at the Plaintiff's residence at 3207 Cullen Drive, Orlando, Florida, for the purpose of aiding and abetting these Defendants in the unconstitutional seizing of various items of personal property belonging to the Plaintiff which were not awarded to DONALD M. SIMPSON by the Circuit Court.

15. In particular, on October 6, 1983, the Defendants caused a deputy sheriff by the name of Mr. Ortega to go into the Plaintiff's former marital residence and to go into the former

marital residence with DONALD M. SIMPSON. Deputy Ortega was a hugh imposing figure who took his directions and orders from DONALD M. SIMPSON, and did allow DONALD M. SIMPSON to seize the take-numerous items belonging to the Plaintiff and not belonging to DONALD M. SIMPSON.

16. When the Plaintiff, ELEANOR SIMPSON, did object to the manner, method and the taking of some of her items of personal property to Deputy Ortego and did protest this action to DONALD M. SIMPSON, Deputy Ortega did without just or probable cause, assault and physically injur the Plaintiff, ELEANOR S. SIMPSON, by using clearly excessive force, and did directly cause the Plaintiff to suffer a fainting spell and did physically cause the Plaintiff to suffer various bruises and other injuries when he unlawfully and with clearly excessive force, placed the

Plaintiff under arrest and did place handcuffs on her.

17. At the time of her assault and battery by deputy Ortega, there were numerous persons observing the events who were shocked to see what they observed. The Plaintiff suffered extensive humiliation, anguish and mental suffering, and was caused to be placed under hospital care by Dr. Daniel Golywn.

18. The Plaintiff was unlawfully assaulted and battered by a deputy sheriff of Orange County, Florida, who presence at the Plaintiff's home on October 6, 1983, was procured by the Defendants, DONALD M. SIMPSON, TERRY C. YOUNG and GILES, HEDRICK & ROBINSON, P.A., as shown by that order for forceable entry, a copy of which is attached hereto as Exhibit "L". Plaintiff attaches as Exhibit "00", her

additional statements of fact of the actions of the Orange County Sheriffs Deputy on October 6, 1983 with the damages occurring to her.

19. The Plaintiff's constitutional rights to liberty also embraces a right to be free from false imprisonment and is safeguarded in a Section 1983 civil action. On October 6, 1983, the Defendants in this count did intentionally secure the false arrest of ELEANOR S. SIMPSON for resisting arrest without violence when at the time these Defendants knew and were vll aware of the Plaintiff's prior emotional problems from this action. In particular, these Defendants well knew that the Plaintiff had no capacity to perform a criminal intent to unlawfully resist arrest without violence. The Plaintiff believed she was protecting her own personal

property as awarded to her and allowed to he by a previous court order under Judge Richard Cooper.

20. On October 6, 1983, the Plaintiff was handcuffed by Deputy Ortega and taken to the Orange County jail and was held in the Orange County jail for several hours until she could secure her release.

21. The actions of the Defendants in obtaining a forceable entry order while she was pursing an appeal of the Final Judgment entered by the trial court on May 24, 1983, was done in bad faith and for the purposes of continued harassment, fraud and taking of undue advantage of Plaintiff.

22. These defendants did cause the arrest of the Plaintiff, a senior citizen and former spouse of a retired military serviceman, without an arrest warrant and without probable cause and in bad faith.

The sheriff failed to have sufficient policies and failed to properly instruct the deputy in the protection of Plaintiff's civil rights.

23. The order for forceable entry is on its face unconstitutional and void, since it denies the Plaintiff the right to an opportunity to be heard upon any objection of the properties taken by these Defendants, which were rightfully hers. These Defendants did procure said order knowing that it was unconstitutional and that it unconstitutionally denied the Plaintiff an opportunity to have a hearing on her claims of what items were being taken by DONALD M. SIMPSON and Deputy Ortega which were rightfully hers. Said order was unconstitutional in that it directed the arrest of the Plaintiff without giving her an opportunity to show cause why she

was not in violation of the court's orders. The Plaintiff is entitled to an order to show cause under the Florida Rules of Criminal procedure and her rights to procedural due process as guaranteed to her in the United States Constitution, was denied, in the manner in which she was assaulted and battered and unlawfully and falsely imprisoned on October 6, 1983 in her own home.

24. These Defendants did also violate the Plaintiff's rights to be free from malicious prosecution, malicious abuse of process and unlawful attachment, when they acted under "color of law" by having the Plaintiff criminally prosecuted for the alleged crime of resisting arrest without violence, for which there was no probable cause and from which criminal proceedings the plaintiff obtained a dismissal.

25. The Plaintiff was also subjected to malicious abuse of process by these Defendants when these Defendants did obtain from the Clerk of the Circuit court acting under color of state law, a writ of bodily attachment directed against the Plaintiff. A true and correct copy of said Writ of bodily Attachment is attached hereto and incorporated herein by reference as Exhibit "N". The Plaintiff was required to utilize the services of her then attorney, Ben Thompson, to defeat this unconstitutional attempt to have the Plaintiff physically arrested for a purely ministerial act. A writ of bodily attachment does not obtain under Florida law against the Plaintiff for the allegations made in that motion.

26. These Defendants did cause the Plaintiff to suffer a loss of her right

to be free from malicious abuse of process when these defendants did intentionally have issued, various process against her, including writs of garnishments against the Plaintiff's Merrill Lynch accounts, which motions and process were totally unfounded in Florida law, and unfounded in the facts of the situation facing the Plaintiff in this action, See motions and dismissal attached hereto as Exhibit "KK".

27. These Defendants were motivated to cause the Plaintiff to suffer malicious prosecution, malicious abuse of process and unlawful writ of bodily attachment, because of the Plaintiff's then refusal to comply with the terms and conditions of that letter dated May 31, 1983, addressed to the Plaintiff's attorney, Ben Thompson, a copy of which is attached hereto and incorporated

herein by reference as Exhibit "C", due to the Plaintiff's refusal to comply with that letter which she felt to be an extortionate attempt to force her in terms of settlement which were not fair or just to her, and when the case was on appeal for a different division of property in accordance with Public Law 97-252, Title X, "Uniformed Services Former Spouses Protection Act."

28. These Defendants did also act under color of state law by taking numerous steps and actions during the pendency of the Plaintiff's dissolution proceedings, to deny her a right to a fair trial by doing among other things, procuring the absence of a material witness by the name of Donna Jackson, whose testimony was crucial to the establishment of Plaintiff's claims for special equities, and in establishment of

the Plaintiff's claims that these Defendants and the trial judge were aiding and abetting the commissions of crimes in the Orange County. These Defendants did also deny the Plaintiff her rights to be heard at the final trial of this matter occurring on May 3, 4 and 5, 1983, and did otherwise produce perjured testimony to the court, and did otherwise deny the Plaintiff the right to obtain the testimony of her witnesses for the protection of her rights under the Federal Former Spouses Protection Act. See statement of Plaintiff attached hereto as Exhibit "A", "B" "MM", "NN", "OO", "pp", shoving additional violations.

29.These Defendants did also violate the Plaintiff's right to freedom of enterprise by preparing a false and fraudulent Final Judgment for execution

by the trial court which failed to award the Plaintiff her former marital residence, for which she was duly entitled after forty-two (42) years of marriage and many years of sacrifice on her part for the Defendant, DONALD M. SIMPSON. These Defendants knew that if the Plaintiff were denied her former marital residence that she would lose her "farm area" for her real estate business, which has resulted in economic damages to the Plaintiff in excess of $100,000.00.

30. These Defendants did also cause the Plaintiff a loss of her civil rights to a fair trial and impartial tribunal, by obtaining from William C. Gridlley on May 24, 1983, a fraudulent judgment against her, a copy of which Final Judgment is attached hereto and incorporated herein by reference as Exhibit "L".

31. The entry of said Final Judgment was done after Plaintiff had made numerous complaints objecting to the biasness and favoratism of William C. Gridley and his hostility to her. See additional Exhibits "A", "P", "R" and "U" attached hereto.

32. William C. Gridley has willfully refused to follow and allow the Plaintiff her federal rights under the Former Spouses Protection Act, known as Public Law 97-525. The Plaintiff had attempted to provide this law to William C. Gridley but he has refused to accept the same from her.

33. After the reassignment of the Plaintiff's dissolution action to William C. Gridley, the said William C. Gridley refused to honor the previous orders entered by the Honorable Richard C. Cooper, which previous judgment had

awarded to the Plaintiff the temporary sole exclusive use and occupancy of the parties former marital residence, and this judge did othervise set upon a course of conduct to rule against the Plaintiff on all of the other items of relief requested by her in her proceedings.

34. The Defendants, TERRY C. YOUNG, GILES, HEDRICK & ROBINSON, P.A., and DONALD M. SIMPSON did in fact draft the original Final Judgment of Dissolution entered in the Plaintiff's dissolution action as part of their combined efforts to defeat and deprive the Plaintiff of her constitutional rights to equal protection and due process and in an attempt to punish her for her complaints of unfair treatment and bias and prejudicial handling of her cause by the Circuit Court then setting.

35. These Defendants did act together under color of law to violate the Plaintiff's constitutional rights as above enumerated.

36. As a direct and proximate result of the intentional acts and actions of these Defendants acting under color of law, the Plaintiff, ELEANOR S. SIMPSON, has been caused to suffer compensatory damages in excess of Five Hundred Thousand ($500,000.00) Dollars for the deprivation of her civil rights and for the mental anguish, physical pain and suffering, embarassment, public humiliation and additional legal expenses incurred by the Plaintiff in protecting her civil rights.

37. The Plaintiff has complied with all conditions precedent required of her to maintain this action.

WHEREFORE, the Plaintiff, ELEANOR S. SIMPSON, sues the Defendants, DONALD M. SIMPSON and TERRY C. YOUNG, GILES, HEDRICK & ROBINSON, P.A., for compensatory damages in excess of Five Hundred Thousand ($500,000.00) Dollars, and punitive damages in excess of Five Hundred Thousand ($500,000.00) Dollars. The Plaintiff demands trial by jury, costs and attorney's fees as allowed to her under Title 42, U.S.C., Section 1983, and such other and further relief as this court deems mete and just, including the ordering of a new trial for Plaintiff in the state court on her property rights and other rights upon dissolution of marriage.

COUNT TWO

COMES NOW the Plaintiff, ELEANOR S. SIMPSON, by and through her undersigned attorney and sues the Defendants, DONALD

M. SIMPSON, TERRY C. YOUNG, GILES, HEDRICK & ROBINSON, P.A., TANYA PLAUT, LAWSON LAMAR and MINNIE BRIDGES, and alleges as follows:

38. This is an action for damages and other relief under Title 42, U.S.C., Section 1983 for the deprivation of Plaintiff's civil rights.

39. This court has jurisdiction of the subject matter and the parties hereto pursuant to Title 28, U.S.C., Section 1343(3).

40. At all times material hereto, the Defendants, DONALD M. SIMPSON, TERRY C. YOUNG, GILES, HEDRICK & ROBINSON, P.A., TANYA PLAUT, LAWSON LAMAR and MINNIE BRIDGES, did act in collaboration or jointly and under color of law of the state of Florida, to deprive the Plaintiff of her rights, privileges and immunities secured to her by the United

States Constitution and its laws, and who, through their collaboration or joint efforts did deprive the Plaintiff of her constitutional rights to her federal constitutional rights to due process and her federal constitutional rights to equal protection of the law, and her constitutional right to own and hold property before final deprivation thereof under color of law.

41. These Defendants are liable to the Plaintiff for the violation of her rights as guaranteed to her under Title 42, U.S.C., Section 1983, and in particular, her constitutional rights to due process of law before final deprivation of her property, her rights to equal protection of the law, and her right to freedom of enterprise as more particularly set forth in the following facts:

A. On May 24, 1983, the Circuit Court in and for Orange County, Florida, civil action number CI 81-12127, entitled IN RE: The Marriage of DONALD M. SIMPSON, Husband, and Eleanor S. Simpson, Wife, before the Honorable William C. Gridley, Circuit Judge, although entering a fraudulent Final Judgment of Dissolution of Marriage between ELEANOR S. SIMPSON and DONALD M. SIMPSON, did award to ELEANOR S. SIMPSON an equal interest in the marital home of the parties, legally described as follows, to-wit:

> Lot 2, Block D. Lake Conway Estates, Section 1, according to the plat thereof, as recorded in Plat book "X", page 37, Public Records of Orange County, Florida, a/k/a 3207 Cullen Drive, Orlando, Florida

a true and correct copy of said Final Judgment of Dissolution of Marriage is attached hereto as Exhibit "L".

B. Prior to the entering of said

Final Judgment by William C. Gridley, a Judge of the Orange County Circuit Court, the Plaintiff had forwarded written correspondence dated May 9, 1983 to said Judge regarding her federal rights under Federal law #97-252.

C. On May 17, 1983, William C. Gridley, Circuit Judge, returned Plaintiff's correspondence unopened to Plaintiff's then attorney, Ben Thompson.

D. On may 24, 1983, William C. Gridley entered the Final Judgment attached as Exhibit "L" hereto, which in effect was completely adverse to the claim and requests for relief -requested by the Plaintiff as punishment for the Plaintiff's previous complaints of unfair treatment by Judge Gridley as shown by Plaintiff's Motion to Recuse and Disqualify and Petition for Writ of Prohibitions, denied by the Florida Fifth District Court of Appeal. Copies of said documents were attached to Plaintiff's First Amended Complaint as composite Exhibit "C".

E. During the pendency of the dissolution proceedings in the Circuit

Court in and for Orange County, Florida, bearing civil action number CI 81-12127, the Plaintiff, ELEANOR S. SIMPSON, did retain the legal services of TANYA PLAUT, Esq., to represent her in various aspects of her dissolution proceeding. After taking an unsuccessful appeal to the Fifth District Court of Appeal, State of Florida, the Defendant, TANY PLAUT, did file her Motion to withdraw from representing the Plaintiff, ELEANOR S. SIMPSON, to which the Plaintiff, ELEANOR S. SIMPSON objected. The stated purpose of the Defendant, TANYA PLAUT for withdrawing for representing ELEANOR S. SIMPSON was to avoid being sued for malpractice and to avoid representing Plaintiff in a landmark case like Bogart v. Bogart, 490 So.2d 43 (Fla. 1986), Difendorfer v. Difendorfer, 491 So.2d 265, and Pastore v. Pastore, 11 FLW 495

So.2d (Fla. 1986), pertaining to Plaintiff's rights to division of military retirements under federal law 97-252 as property. Notwithstanding the objection of the Plaintiff, the Circuit Court in and for Orange County, Florida, William C. Gridley presiding, did allow TANYA PLAUT to withdraw from her representation of the Plaintiff as lead counsel 10 days prior to implementation of Public Law, 97-252 on February 8, 1983, to the prejudice of Plaintiff.

F. At the hearing before the Honorable William C. Gridley on the Motion to Withdraw of the Defendant, TANYA PLAUT, did expressly advise the court that she did not need to have a lien placed on the assets of ELEANOR SIMPSON for the payment of her legal fees, and expressly waived the same and did not request protection or enforcement

of her attorney's fees, if any.

G. Notwithstanding the clear law of Florida, that an attorney is not entitled to an attorney's fees after withdrawing from a case without justification, the Defendant, TANYA PLAUT, did file in bad faith, a civil action against the Plaintiff, ELEANOR S. SIMPSON, in the Circuit Court in and for Orange County, Florida, bearing case number CI 83-4444. Notwithstanding the objections of the Plaintiff, the Circuit Court in and for Orange County, Lon S. Cornelius presiding, did enter a judgment on behalf of TANYA PLAUT, P.A., in the total amount of $8,013.87 on January 19, 1984 only 2 days after a per curiam affirmance from the Fifth District Court of Appeal of Florida. On March 26, 1984, the Defendant, TANYA PLAUT, P.A., acting under color of law, did cause a Notice of

Sheriffs Levy to be filed upon the homestead property described in 11(A) of the Plaintiff, ELEANOR S. SIMPSON.

H. LAWSON LAMAR, as sheriff of Orange County, under direction from TANYA PLAUT, did issue a Notice of Sheriffs Sale advertising the sale of the Plaintiff's homestead for April 30, 1984 between the legal hours of 11:00 a.m. before noon and 2:00 p.m in the afternoon on said date, to the highest bidder was entered by LAWSON L. LAMAR, the Sheriff of Orange County, Florida through Sgt. Stuart Trainum, a Deputy Sheriff of Orange County, Florida. A true and correct copy of said notice is attached to this Third Amended Complaint as Exhibit "F". Said notice is fatally defective and void for vagueness and unconstitutional since it did not specifically advise the Plaintiff of when

her house would in fact be sold.

I. The Plaintiff had reasonably interpreted the sheriffs notice of sale as meaning that she could bid on her homestead property at any time between the legal hours of 11:00 a.m. and 2:00 p.m., and that if in fact she were the highest bidder, she would in fact protect her property interest and would not lose her property interest. This is the procedure the Plaintiff understood was in existence in matters of this kind, and there was nothing in the sheriffs notice advising the Plaintiff that she had to be present at exactly 11:00 a.m. at the East Door of the Orange County Courthouse to bid on the property. In fact, the Plaintiff reasonably believed that she could submit a bid at any time between the hours of 11:00 a.m. and 2:00 p.m. on the 30th day of April, 1984. The

Plaintiff did appear at the Orange County Courthouse between the hours of 11:30 a.m. and 12:30 p.m. on the 30th day of April, 1984, and did present herself at the enforceable writs office of LAWSON L. LAMAR, as Sheriff of Orange County, Florida, and did specifically demand and make request of Sgt. Trainum to be allowed to make a bid higher than the bid made by DONALD M. SIMPSON, which the deputy arbitrarily refused.

J. The Defendant, LAWSON L. LAMAR, as Sheriff of Orange County, Florida, did deny the Plaintiff her constitutional rights to due process by not putting the Plaintiff on notice of the exact procedure to be followed by the Sheriffs department in the conducting of its sheriffs sale of the Plaintiff's former marital residence as described in the notice of sheriff's sale. The sheriff,

LAWSON LAMAR, by and through his authorized deputy sheriff, Sgt. Trainum, did wrongfully refuse to accept from Plaintiff her cash bid for an amount higher than that bid by DONALD M. SIMPSON, and did issue his deed to DONALD M. SIMPSON, per copy attached hereto as Exhibit "G".

K. The Notice attached hereto as Exhibit "E", is further constitutionally void for vagueness since it reasonably put Plaintiff on notice that she could be the highest bidder at any time between 11:00 a.m. and 2:00 p.m., not just at 11:00 a.m., it did not put the Plaintiff on notice that she could not redeem her property prior to the 2:00 p.m deadline. Since the sale of the Plaintiff's property in this action, the Sheriff has instituted a new policy advertising that the public sale will commence at 11:00

a.m. where as the attached notice does not so advise. This is a material change from the prior official policy of the Sheriffs Department which had only advertised the hours between which the sale would occur. This is a denial of the Plaintiff's right to procedural due process to be advised of the time when her home would be sold, and is also a denial of the Plaintiff's rights to due process to be advised of any deadlines to redeem her property.

L. Prior to the public sale scheduled on April 30, 1984, the Plaintiff had filed an emergency motion to prevent the sale of her homestead property and had called it up for a hearing before the Honorable Lon S. Cornelius. A true and correct copy of said Motion and Notice of Hearing is attached hereto and incorporated herein

by reference as Exhibits "C" and "D". The judge, as noted in the transcript, unconstitutionally refused to allow Plaintiff to argue her motion. At said hearing, the Plaintiff did advise TANYA PLAUT and the Honorable Lon S. Cornelius, that the property was her homestead and was not subject to sale by TANYA PLAUT, and that further the sale of the property was stayed during the pendency of her appellate proceedings which were then in effect. Notwithstanding the request of the Plaintiff to Lon S. Cornelius to prohibit the sale, said Judge refused to prohibit the sale because of its animosity to Plaintiff due to Plaintiff's complaints of unfair treatment by the other judges. A copy of the order of Denial is attached hereto as Exhibit "BB". After the hearing held on April 26, as requested by the Plaintiff

representing herself with Judge Lon Cornelius, the Plaintiff did notice that the Defendant, TANYA PLAUT had additional ex-parte contact and communications with Lon S. Cornelius. The Plaintiff did observe TANYA PLAUT go into the same doors leading to the chambers where Judge Cornelius has his office. Shortly after that, the Plaintiff was informed that the Judge had denied her emergency motion to prevent the sale of her homestead of twenty-two (22) years.

M. When the Plaintiff arrived at the enforceable writs office of Sheriff LAWSON LAMAR on April 30, 1984 between 11:30 a.m. and 12:30 p.m., she discovered that DONALD M. SIMPSON was the sole and only bidder at the public sale, and that the public sale was in fact held at 11:00 a.m. and that DONALD M. SIMPSON was allowed to bid the amount of the

judgement held by TANYA PLAUT for an interest owned by the Plaintiff in a value in excess of One Hundred Thousand ($100,000.00) Dollars (Fair Market Value of $235,000.00, less $17,000.00 mortgage - $218,000.00 divided by 2 - $109,000.00). The Plaintiff was present at the sheriff's enforceable writs office with sufficient funds to redeem her interest in her homestead between 11:30 a.m. and 12:30 p.m. on April 30, 1984, but was denied the right to redeem by Stg. Trainum acting as a deputy sheriff for LAWSON LAMAR, as sheriff of Orange County, Florida. Said deputy sheriff was acting under the official policy of LAWSON LAMAR, in his denial of the Plaintiff's right to redeem with sufficient funds, her interest in her homestead property. The Plaintiff at that time did also discover that the

sheriffs department did allow DONALD M. SIMSPON additional time and opportunity after 11:00 a.m. April 30, 1984 in which to obtain the funds to pay for his bid. The Plaintiff, however, was unconstitutionally denied this opportunity. In fact, the Plaintiff saw DONALD M. SIMPSON coming out of the office of the enforceable writs division as she was going in to make her bid.

N. The Plaintiff did make numerous objections and complaints about the handling of the sale and did file a Motion to Vacate, a copy of which is attached hereto as Exhibit "II", which the Circuit Court illegally denied.

O. The Defendants, DONALD M. SIMPSON, TERRY C. YOUNG, GILES, HEDRICK & ROBINSON, P.A., TANYA PLAUT individually and acting on behalf of TANYA PLAUT, P.A., and LAWSON LAMAR, as Sheriff of

Orange County, Florida, did act in collabotation and together and under color of law, to defeat the Plaintiff of her property rights and other rights of due process.

P. The Plaintiff's Motion to Vacate the Sale was illegally denied by Circuit Judge Lon S. Cornelius, notwithstanding the numerous cases submitted to the court showing that said sale was improper. The sale was also void eonsidering the fact that at the time of the public sale, the Defendant, DONALD M. SIMPSON, was indebted to the Plaintiff in the amount of Twenty Thousand ($20,000.00), and when at the time considered the Defendant, DONALD M. SIMPSON had purchased the Plaintiff's interest in her homestead property with Plaintiff's own funds and monies from a certificate of deposit illegally cashed in by the Defendant,

DONALD M. SIMPSON, in violation of prior court orders. See Exhibit "AA" attached hereto (supersedeas bond).

Q. The Defendants have combined to defeat the plaintiff of her homestead property and farm area for her real estate business without due process of law and in violation of the Plaintiff's rights to enjoy and own real property and homestead and exemption from forced sale by creditors of the home to which she has lived in excess of twenty-two (22) years because she was then a single woman head of her own household, and a former military wife.

42. The Defendant, MINNIE BRIDGES is liable to this Plaintiff since this Defendant, MINNIE BRIDGES did intentionally and maliciously collaborate and act in connection with TERRY YOUNG and DONALD M. SIMPSON, GILES, HEDRICK &

ROBINSON, P.A., LAWSON LAMAR and TANYA PLAUT to quickly place the Plaintiff's former marital residence for sale without the consent, and over the direct objection of the Plaintiff to this Defendant. This Defendant, MINNIE BRIDGES, did work with and collaborate with these Defendants, and did in fact sell the Plaintiff's former marital residence the first day said property was listed on the multiple listing service at a price approximately $60,000.00 below fair market value of $235,000.00 in an attempt to defeat and punish and deprive the Plaintiff of her property rights. The Plaintiff had previously furnished to this Defendant, MINNIE BRIDGES, a copy of the stay order and copies of various documents with the Appellate Court showing that the sale of said property was previously stayed and that the

property could not be sold until final resolution of the Plaintiff's appeal of her Final Judgment of Dissolution of Marriage proceedings. Notwithstanding the fiduciary duty owed to this Plaintiff, this Defendant, MINNIE BRIDGES, did willfully and intentionally cause this Plaintiff to suffer the loss of her property rights by her extremely quick sale of the Plaintiff's former marital residence in collaboration and conjunction with the actions of the other Defendants named herein. See also Exhibits "GG" and "HH" and "I" attached hereto.

43. These Defendants acted together under color of law to defeat and deprive the Plaintiff of her rights to own and hold property in Florida, and did further act under color of Florida law to give a fatally defective and void notice of

public sale, and to otherwise mislead and deceive the Plaintiff in acting to her detriment and by not otherwise giving the Plaintiff a final opportunity for redemption of her homestead interest and property interests and rights prior to final forfeiture of her interest therein, which is a violation of the Plaintiff's rights to equal protection of law.

44. As a direct and proximate result of the Defendants actions herein, the Plaintiff has been caused to suffer the loss of her civil rights as guaranteed to her under Title 42, U.S.C. Section 1983 and has been denied her rights to procedural due process, to have an opportunity to redeem her interest in the subject property before final deprivation, to her rights to substantive due process and to equal protection of the law, by not being allowed to own

homestead property as allowed to other persons similarly situated.

WHEREFORE, the Plaintiff, ELEANOR S. SIMPSON, sues the Defendants, DONALD M. SIMPSON, TERRY C. YOUNG, GILES, HEDRICK & ROBINSON, P.A., TANYA PLAUT, LAWSON LAMAR, and MINNIE BRIDGES, for conpensatory damages in excess of Five Hundred Thousand ($500,000.00) Dollars, and punitive damages in excess of Five Hundred Thousand ($500,000.00) Dollars, for the deprivation of her civil rights and for the mental anguish, physical pain and health problems presented to her, embarrasment, public humiliation and legal expenses incurred by the Plaintiff in protecting her civil rights herein. Plaintiff demands trial by jury, costs and attorneys fees as allowed to her under Title 42, U.S.C., and such other and further relief as this court deems

mete and just. including the setting aside of the sheriff's sale.

COUNT THREE

COMES NOW the Plaintiff, ELEANOR S. SIMPSON, by and through her undersigned attorney and sues the Defendants, DONALD M. SIMPSON, TERRY C. YOUNG, GILES, HEDRICK & ROBINSON, P.A., TANYA PLAUT, LAWSON LAMAR and MINNIE BRIDGES, and alleges as follows:

45. The plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 44 above as if herein fully set forth.

46. In holding the public sale of the Plaintiff's property on April 30, 1984, the Defendants operated under Florida Statute 56.22. Said statute is an unconstitutinal deprivation of the Plaintiff's rights to procedural due process. The Statute is fatally void in

that it does not require that there by a specified time for the public sale under forced execution. Said statute only provides that all sales of property under legal process shall take place between the hours of 11:00 a.m. and 2:00 p.m. of any day of the week except Saturday and Sunday, and shall continue from day to day until such property is disposed of. Said statute is consitutionally void for vagueness and fails to give the Plaintiff procedural due process of the exact time to be at the courthouse for the public sale of her property, as is required of other judicial sales procedures under Florida Statute 45.031. Florida Statute 45.031 properly requires that the notice contain the time and place of sale.

47. Florida Statute 56.22, which is the statute under which the Defendants acted in their efforts to defeat and

deprive the Plaintiff of her real property in Florida, does not give reasonable notice to the Plaintiff and did not in fact, give reasonable notice to the Plaintiff of the time she was required to be at the courthouse for the sale of her property. Said statute on its face, will lead a reasonable person to believe that the person would be available at the courthouse between the hours of 11:00 a.m. and 2:00 p.m. to participate in the sale. Said statute does not advise and does not put any reasonable person on notice that all sales of property under legal process shall commence at exactly at 11:00 a.m. Said statute does not advise any reasonable person that the failure to arrive before 2:00 p.m. of the same day of sale, may result in the property of said person being sold prior to the

arrival of the affected party.

48. Florida Statute 56.22 as applied in the instant action, as shown by the Notice of Public Sale of the sheriff, is unconstitutionally fatally defective and did in this action, defeat and deprive the Plaintiff of her constitutional rights to procedurel due process as guaranteed to her through United States Constitution, Fourteenth Amendment.

49. The application of Florida Statute 56.22 by the Defendants in the sale of her property on April 30, 1984, was done under the color of state law to defeat and deprive the Plaintiff of her property interests without sufficient procedural due process safeguards.

50. Florida Statute 56.22 should be declared constitutionally void for vagueness and constitutionally void for failure to require that the Sheriff give

an exact time for the sale as is required under Florida Statute Section 45.031(1).

51. The Plaintiff has been denied equal protection of the law since there is no rational, reasonable basis for the difference of treatment of forced judicial sales procedures between Florida Statute 45.031(1) and Florida Statute 56.22.

52. The Deed given by the Defendant, LAWSON LAMAR, Sheriff to the Defendant, DONALD M. SIMPSON, a copy of which is attached hereto as Exhibit "G", should be set aside for the constitutional violation hereinabove cited of the Plaintiff's civil rights.

WHEREFORE, the Plaintiff sues Defendants, DONALD M. SIMPSON and LAWSON LAMAR, Sheriff of Orange County, for declaratory judgment from this court declaring as follows:

A. That Florida Statute 56.22 as applied in the instant action is unconstitutionally void for vagueness and is an unconstitutional denial of the Plaintiff's civil rights to procedural due process and the right to reasonable notice of forced sale of her property.

B. That this court enter its declaratory judgment that the sale of the Plaintiff's homestead interest to DONALD M. SIMPSON on April 30, 1984 is void as a matter of law, due to the unconstitutional procedures employed by the Defendants in this action, operating under Florida Statute 56.22.

C. That this court declare that Florida Statute 56.22 is an unconstitutional denial of Plaintiff's civil rights to equal protection of the law, since there is no rational, justificable basis in law or fact, for

the difference in treatment of execution sales under Florida Statute 56.22 and public sales under Florida Statute 45.031(1).

D. That this court grant such other and further relief as it deems mete and just in declaring the statutory procedures utilized above to be unconstitutional, and to grant the Plaintiff such damages as will compensate her and place her in a position she was in prior to the unconstitutional deprivation of her civil rights to procedural due process and equal protection of the law.

COUNT FOUR

COMES NOW the Plaintiff, ELEANOR S. SIMPSON, by and through her undersigned attorney and sues the Defendants, DONALD M. SIMPSON, TERRY C. YOUNG, GILES, HEDRICK & ROBINSON, P.A., TANYA PLAUT,

LAWSON LAMAR and MINNIE BRIDGES, and alleges as follows:

53. The Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 52 above as if therein fully set forth.

54. This is an action for damages and other relief under Title 42, U.S.C., Section 1985(3), which provides:

> "If two or more persons in any State or Territory conspire . . . for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any state or territory from giving or securing to all persons within such state or territory the equal protection of the laws; ... in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in futhernance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against

any one or more of the conspirators."

55. This court has jurisdiction of the subject matter and the parties hereto pursuant to Title 28, U.S.C., Section 1343(3).

56. The Defendants did conspire, agree and operate and collaborate with each other and with the Clerk of the Circuit Court of Orange County and the Circuit Court Judges of Orange County, under color of Florida law, to defeat the Plaintiff of her constitutional rights to a fair trial and impartial tribunal and to due process and equal protection of the law, and to own real property in the State of Florida because of her status as a female former spouse of a retired military serviceman. In particular, the Plaintiff would show unto this court that at the initiation of the dissolution proceedings between her and her husband,

the Honorable Richard C. Cooper was the presiding judge. After an initial hearing on temporary relief requested by the Plaintiff, the Honorable Richard C. Cooper unexpectedly and without explanation, did recuse himself from the dissolution action. The Defendants, TERRY C. YOUNG, GILES, HEDRICK & ROBINSON, P.A., and DONALD M. SIMPSON, did in a conspiracy with the Clerk of the Circuit Court of Orange County, Florida, had the dissolution action transferred to William C. Gridley, a Circuit Judge, in and for Orange County, Florida, with the expressed intent and purpose of obtaining a judge favorable to DONALD M. SIMPSON. This was the initiation of the conspiracy of the Defendants to defeat and deprive the Plaintiff of a right to a fair trial and fair and equal treatment in the Circuit Court in and for Orange County,

Florida, and the right to own homestead property in Florida.

A. After the reassignment of the Plaintiff's dissolution action to William C. Gridley, the said William C. Gridley refused to honor the previous orders entered by the Honorable Richard C. Cooper, and did set upon a course of conduct to rule against the Plaintiff on all the items of relief requested by her in her dissolution action due to her numerous and strenuous complaints of unfair and prejudicial treatment.

B. During her dissolution proceedings in the Orange County Circuit Court, the Plaintiff did on numerous occasions complain of the bias and prejudicial conduct of William C. Gridley toward her. She had in fact filed a Motion to Recuse said judge. However, said motion was denied on the appellate

level because of fraudulent statements made by TERRY C. YOUNG on behalf of GILES, HEDRICK & ROBINSON, P.A., and DONALD M. SIMPSON, and as a result of the willful failure and refusal of TANYA PLAUT to advise the Plaintiff of the outcome of the appellate proceedings, and specifically her refusal and failure to advise the Plaintiff that she had filed an improper appeal, and of her refusal to represent the Plaintiff any further, and withdrawing from the Plaintiff at a time which prejudiced the Plaintiff's rights to have William C. Gridley removed.

C. The Defendant, DONALD M. SIMPSON and TERRY C. YOUNG and GILES, HEDRICK & ROBINSON, P.A., did fraudulently have William C. Gridley enter a Final Judgment against the Plaintiff in her dissolution action.

D. After the entry of the Final Judgment of dissolution in May, 1983, the Plaintiff continued to complain of her unfair treatment by William C. Gridley, the Plaintiff filed various statements of fact showing abuse and other documents which are attached to this complaint as Exhibits "A", "P", "Q", "R" and "U".

E. Because of her continued complaints of unfair treatment and denial of her constitutional rights, the Defendants, TERRY C. YOUNG, GILES, HEDRICK & ROBINSON, P.A., DONALD M. SIMPSON, TANYA PLAUT, LAWSON LAMAR and MINNIE BRIDGES were able to work with and operate together with the Circuit Court judges to defeat and deprive the Plaintiff of her constitutional rights to substantive and procedural due process of law to own and hold real property in Florida as homestead, and to be treated

the same as other citizens to have her homestead protected in an effort to punish her for the exercise of her constitutional rights to complain about the unfairness and the corruption of the judicial proceedings against her, as shown by composite Exhibits "A", "B", "MM", "NN", "OO", and "PP" attached hereto.

57. There is no reasonable explanation for the failure of the Circuit Judges of Orange County to set aside the public sale of Plaintiff's property to DONALD M. SIMPSON, since the failure of said judges to set aside the public sale was erroneous as a matter of Florida law and as a matter of Federal Constitutional law, other than as part of a combination and conspiracy of these Defendants to punish the Plaintiff for her speaking out against the

unconstitutional atrocities she believed were being committed against her, and for her freedom of speech in complaining about the aiding and abetting of crime by the Circuit Judges of Orange County, by allowing DONALD M. SIMPSON to supply a known drug addict and prostitute with funds and monies belonging to the Plaintiff.

58. There is no reasonable explanation for the failure of Claude R. Edwards and Lon S. cornelius to set aside the public sale of Plaintiff's property to DONALD M. SIMPSON, since the failure of said judges to set aside the public sale is erroneous as a matter of Florida law. Lon S. Cornelius and Claude R. Edwards, did intentionally refuse and fail to consider the Plaintiff's claims of her homestead property and her claims that her interest in the homestead

property was not properly sold and that the interest of Plaintiff in her homestead property was sold for an outragiously and fraudulently low (at least $100,000.00 under fair market value) amount and should be set aside as part of a conspiracy among the Defendants to defeat and deprive the Plaintiff of her homestead property. There is no other reasonable explanation for the failure of the Circuit Court Judges of Orange County, Florida to protect the rights and interest of the Plaintiff, other than as alleged in this Third Amended Complaint.

59. The Defendants acted together under color of Florida law to defeat and to deprive the Plaintiff of her rights to own and hold property in Florida, and did further act under color of Florida law to give a fatally void Notice of Public

Sale, and to otherwise mislead and deceive the Plaintiff in acting to her detriment, by not being at the public sale at precisely 11:00 a.m. in an effort to defeat her of her right to own property under Florida law.

60. The Defendants conspired together to defeat the Plaintiff of an opportunity to redeem her property within a reasonable amount of time after forced sale as is allowed in other mortgage foreclosures and lien foreclosure under Florida law. This was part of a conspiracy to deny the Plaintiff of not only procedural due process but of equal protection of the law as further shown by Plaintiff's additional statement of facts attached hereto as Exhibit "A", "B" "MM", "NN", "OO", and "PP".

61. As a direct and proximate result of the Defendants actions, the Plaintiff

has suffered a loss of her civil rights as guaranteed to her under Title 42, U.S.C., Section 1983, and has been denied her rights to procedural due process, substantive due process and equal protection of the law, by not being allowed to own homestead property as other heads of household.

62. These Defendants did conspire among themselves and among the judges of Orange County, Florida to deprive the Plaintiff equal protection of the laws of the State of Florida to own and hold homestead property as part of a class based discrimination against wives of former military serviceman.

63. None of the Circuit Judges, including Lon S. Cornelius, William C. Gridley and Claude R. Edwards were pleased with the Plaintiff's numerous and vociferous complaints about her unfair

treatment and denial of her rights to equal protection as a former wife of a retired military serviceman. See Exhibits "A", "P", "R", "Q" and "U".

64. On numerous occasions, while representing herself, and appearing before Lon S. Cornelius, William C. Gridley or Claude R. Edwards, it appeared to the Plaintiff that these judges had previously made their decisions and in fact, at the hearing before Claude R. Edwards on the Motion to Set Aside the Writ of Possession, the Plaintiff was forced into the hearing over her objection prior to her being able to present herself properly, and when she entered the room, it appeared to her that ex-parte communications had been made, and that she would not be given a fair opportunity to present her request for relief.

65. The purpose of the Defendants conspiracy was to directly or indirectly to deprive the Plaintiff of her equal privileges and immunities to own and hold properties and to further punish her for her attampts to voice her rights as a former military spouse under the "Uniformed Services Former Military Spouses Protection Law", Public Law 97-252".

WHEREFORE the Plaintiff, ELEANOR S. SIMPSON, sues the Defendants, DONALD M. SIMPSON, TERRY C. YOUNG, GILES, HEDRICK & ROBINSON, P.A., TANYA PLAUT, LAWSON LAMAR and MINNIE BRIDGES for compensatory damages in excess of Five Hundred Thousand ($500,000.00) Dollars for the deprivation of her civil rights and for additional mental anguish, physical pain and health problems, embarrassment, public humiliation and legal expenses

incurred by the Plaintiff in protecting her civil rights, and punitive damages in excess of Five Hundred Thousand ($500,000.00) Dollars. The Plaintiff demands trial by jury, costs and attorneys fees as allowed to her under Title 42, U.S.C., and such other and further relief as this court deems meet and just.

COUNT FIVE

COMES NOW the Plaintiff, ELEANOR S. SIMPSON, by and through her undersigned attorney and sues the Defendants, DONALD M. SIMPSON, TERRY C. YOUNG, GILES, HEDRICK & ROBINSON, P.A., TANYA PLAUT and LAWSON LAMAR, and alleges:

66. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 65 above as if herein fully set forth.

67. The Plaintiff, ELEANOR S. SIMPSON, has been denied her constitutional right to own and hold homestead property as other citizens in the State of Florida are allowed to, and in particular, has been denied her constitutional right to assert her homestead exemption to the property in which she was a resident for a period of over twenty-two (22) years. The Plaintiff, ELEANOR S. SIMPSON has been denied the equal protection of the laws as guaranteed to her by the United States Constitution as implimented by Title 42, U.S.C., Section 1983, since the Florida constitutional provision in effect at the time of the forced sale of her homestead, disalloved the forced sale of homestead of married or single persons who were the head of a household with two or more persons, but not for single women who

were heads of their own households, and did not give to Plaintiff a United States constitutinally required protection of equal treatment of the law. Plaintiff was discriminated against because of her status as a former wife of a retired military officer.

68. Article X, Section 4 of the Constitution of State of Florida, (1972) is unconstitutional as applied in the instant action, since the Plaintiff was entitled to claim her former marital residence as her separate homestead property, since she was the head of her own household unit making all the mortgage payments, insurance and tax payments through July, 1983.

69. The refusal of the Defendants to allow the Plaintiff to claim homestead exemption under Article X, Section 4 of the Constitution of the State of Florida,

was a denial of the Plaintiffs' rights to procedural and substantive due process and in effect unconstitutinally discriminated against the Plaintiff on the basis of her sex, and on the basis of her being a single head of her own family unit, consisting of herself, in violation of Title 42, Section 1985(3), U.S.C.

WHEREFORE the Plaintiff sues the Defendant, DONALD M. SIMPSON, TERRY C. YOUNG, GILES, HEDRICK & ROBINSON, P.A., TANYA PLAUT, and LAWSON LAMAR, Sheriff and request that this court enter declaratory relief, judging and declaring that the application of Florida Constitution Article X, Section 4 in the instant action unconstitutionally deprived the Plaintiff of her rights to substantive and procedural due process and equal protection of the law, and that this court enter such other and further

relief as to place the Plaintiff as best as possible, in the position she was in prior to the unconstitutionally deprivation of her civil rights, including the awarding of any monetary damages as may be appropriate or the entering of an order of this court mandatorily requiring the reconveyance of the Plaintiff's homestead property to her, or such other and further relief as this court deems mete and just.

COUNT SIX

COMES NOW the Plaintiff, ELEANOR S. SIMPSON, by and through her undersigned attorney and sues the Defendant, DONALD M. SIMPSON and shows unto the court as follows:

70. The Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 44 above as if herein fully set forth.

71. This court has pendant jurisdiction of the subject matter and the parties hereto.

72. This is an action for declaration of a resulting or constructive trust and such other and further relief as is equitable and just.

73. On or about April 30, 1984 at 11:00 a.m., the Defendant, DONALD M. SIMPSON and his attorney TERRY C. YOUNG, who at all times material hereto was acting as an associate or employee of the Defendant, GILES, HEDRICK & ROBINSON, P.A, who were at all times material hereto, the lawfirm acting on behalf of DONALD M. SIMPSON, did in violaltion of the Plaintiff's constitutional civil rights as above alleged, purchase at a public sale, the Plaintiff's equitable interest in that real property described above worth $109,000.00 for the

outrageously and fraudulently low sum of $8,410.00.

74. Immediately thereafter, the Defendant, DONALD M. SIMPSON, did place said property for sale with MINNIE BRIDGES, who then immediately sold said property for a substantial amount below its fair market value in an effort to deprive the Plaintiff of her property rights. See Exhibits "GG", and "HH" attached hereto.

75. The Defendants, DONALD M. SIMPSON and TERRY C. YOUNG and GILES, HEDRICK & ROBINSON, P.A. and MINNIE BRIDGES, did immediately sell the former homestead property on May 15, 1984 for $175,000.00 and $60,000.00 under fair market value, and closed on June 22, 1984, as shown by copy of deed attached hereto as Exhibit "I", of the Plaintiff inan effort to defeat the Plaintiff of her equity

interest in said property to punish her for exercising her right to appeal the prior final judgment of dissolution.

76. The Defendants refused to allow the Plaintiff to redeem her interest in said property although she immediately tried to do so before 12:00 noon on the same date as the public sale was held. Said Defendants objected and prevented her from obtaining the redemption of her property, and had Plaintiff's Notice of Lis pendens, See Exhibit "H", stricken by the court.

77. The Defendant, DONALD M. SIMPSON's purchase of the Plaintiff's interest in the aforedescribed real property in the manner described, and his refusal to reconvey one-half of said property to the Plaintiff or account for and pay over one-half of the sales price to Plaintiff, constitutes a breach of the

Defendants' duties as agent for the Plaintiff to hold the property in both names, since the same was awarded to both parties pursuant to the Final Judgment attached hereto as Exhibit "L". Moreover, at all times material hereto the Defendant, DONALD M. SIMPSON, owed Plaintiff $20,000.00 under paragraph 13 of the final judgment, which he had not paid during times material hereto.

78. The Defendant, DONALD M. SIMPSON, was married to the Plaintiff for a period of over forty-two (42) years and at the time he purchased the Plaintiff's equitable interest in the aforesaid described real property, owed a duty to the Plaintiff to deal fairly and justly with her and her equitable interest in her homestead property and further owed her a duty not to use Plaintiff's money to purchase Plaintiff's interest at the

public sale on April 30, 1984. In fact, the Defendant, DONALD M. SIMPSON, purchased the Plaintiff's interest with the Plaintiff's money as shown by Exhibit "AA" and "L" attached hereto.

79. The equitable interest of the Plaintiff was constructively acquired and held by the Defendant, DONALD M. SIMPSON, after his purchase of the same at forced sale pursuant to the final judgment attahced hereto as Exhibit "L", or in the alternative, a resulting trust did occur with the Defendant, DONALD M. SIMPSON, at the forced sale of the Plaintiff's homestead property. The Defendant, DONALD M. SIMPSON, did use ill begotten gain from the sale of Plaintiff's equitable interest to purchase that property as described in copy of special warranty deed attached hereto as Exhibit "J".

80. This Plaintiff is entitled to a declaratory judgment of this court declaring that the Defendant, DONALD M. SIMPSON, did reacquire and hold the equitable interest of the Plaintiff, ELEANOR S. SIMPSON, to that real property described in Exhibit "J", above in a constructive or resulting trust, and that he is liable to the Plaintiff for the diminution in value of her equitable interest in said property.

81. The Defendants, DONALD M. SIMPSON, TERRY C. YOUNG, GILES, HEDRICK & ROBINSON, P.A., have willfully and wrongfully deprived the Plaintiff, ELEANOR S. SIMPSON, of her property rights to the former marital property in an effort to defeat Plaintiff of her property rights as guaranteed to her under the United States Constitution and federal laws, Title 42, U.S.C., Section

1983.

82. The Defendants, DONALD M. SIMPSON, TERRY C. YOUNG and GILES, HEDRICK & ROBINSON, P.A., have willfully used an unconstitutionally and fatally defective Florida Statutory procedure under Florida Statute 56.22, by deliberately giving to the Plaintiff vague and a confusing notice of public sale and did intentionally operate under an otherwise unconstitutionally defective Florida Statute 56.22 in an effort to defeat and deprive the Plaintiff of her United States unconstitutionally guaranteed federal right to own and hold property as other persons similarly situated.

WHEREFORE the Plaintiff sues the Defendants, DONALD M. SIMPSON, and demands judgment as follows:

A. That this court declare and adjudge that the Defendant, DONALD M. SIMPSON, did reacquire the equitable interest of the Plaintiff in and to that real property described as follows:

Lot 2, Block d. Lake Conway Estates, Section 1, according to the plat thereof, as recorded in Plat Book "X", Page 37, Public Records of Orange County, Florida

to be held in a constructive or resulting trust for the benefit of the Plaintiff for the use and benefit of the Plaintiff and that the Plaintiff holds and owns an equitable interest to the real property described in Exhibit "J" attached hereto.

B. That this court require this defendant to account to the Plaintiff for the use and benefit of said homestead property, and the subsequent sale of the same, and for all profits and proceeds received for the sale of the same.

C. That this court enter its money judgment against the Defendant for the loss of the equitable value of the Plaintiff's homestead property with interest, costs and attorneys fees.

D. That this court enter judgment for compensatory damages in excess of One Hundred Thousand ($100,000.00) Dollars for the loss of possession and use of the Plaintiff's homestead property.

E. That this court enter its judgment for punitive damages in excess of One Hundred Thousand ($100,000.00) Dollars against this Defendant.

F. That this court grant such other and further relief as is equitable and just.

COUNT SEVEN

COMES NOW the Plaintiff, ELEANOR S. SIMPSON, by and through her undersigned attorney and sues the Defendants, DONALD M. SIMPSON, TERRY C. YOUNG, GILES, HEDRICK & ROBINSON, P.A., and TANYA PLAUT, MINNIE BRIDGES and LAWSON LAMAR, and alleges unto the court as follows:

83. The Plaintiff repeats and realleges each and every allegation contained in paragraph 1 through 52 above as if herein fully set forth.

84. This court has pendant jurisdiction of the subject matter and the parties hereto. This action is under Title 42, U.S.C., Section 1985(3).

85. Prior to the institution of this action, the Defendants, DONALD M. SIMPSON, TERRY C. YOUNG, GILES, HEDRICK & ROBINSON, P.A., and TANYA PLAUT, did conspire together or in the alternative did collaborate and work together with the judges involved to defeat and defraud the Plaintiff of her homestead property as more particularly described in Count I above.

86. In particular, Plaintiff would further show unto the Court that the Defendant, TANYA PLAUT did maliciously

cause to be filed in the Circuit Court in anf for Orange County, Florida civil action number CI 83-4444, an action seeking damages against the Plaintiff at a time when said Defendant knew that it had no right to seek damages against the Plaintiff because of her unjustified withdrawal of her representation of the Plaintiff in CI 81-12127.

87. The purpose of the filing of civil action CI 83-4444 by the Defendant, TANYA PLAUT was in furtherance of a conspiracy scheme, agreement, fraud or device to defeat the Plaintiff, ELEANOR S. SIMPSON of her homestead property rights to that property described in paragraph 10A above for her previous complaints of judicial unfairness.

88. The Defendant, TANYA PLAUT, in furtherance of a conspiracy, scheme, agreement, fraud or device to defeat the

Plaintiff, ELEANOR S. SIMPSON because of the Plaintiff's complaints to TANYA PLAUT of her malpractice against the Plaintiff in civil action number CI 81-12174 (SIC) did file her suit.

89. The Defendant, TANYA PLAUT did obtain a final judgment against the Plaintiff and pursuant to a scheme, conspiracy, artifice, agreement or collaboration with DONALD M. SIMPSON and TERRY C. YOUNG, did cause the homestead property of the Plaintiff to be sold on April 30, 1984 at public sale on the steps of the Orange County Courthouse knowing at all times that the Plaintiff, ELEANOR S. SIMPSON did have sufficient other assets in which to satisfy the judgment of TANYA PLAUT, and knowing that a stay in the dissolution proceeding prohibiting the sale of Plaintiff's homestead was in effect at all times

material hereto and knowing there were other assets from which to be paid.

90. At all times material hereto the Defendant, TANYA PLAUT owed a continuing duty to the Plaintiff, ELEANOR S. SIMPSON even after her withdrawal from representation of said Plaintiff not to take any steps or to commit any acts resulting in substantial prejudice and loss of property rights to a former client, or to acquire adverse interest to a former client. The Defendant, TANYA PLAUT, did breach her continuing duty after the relationship of attorney/client had been terminated, not to purchase or acquire an adverse title or interest against Plaintiff, her former client, especially when such action involved a breach of the confidence imposed upon said Defendant by the Plaintiff, and also constituted use by TANYA PLAUT to the

clients disadvantage of information or knowledge obtained by reason of said relationship of her attorney/client.

91. The Defendants, DONALD M. SIMPSON, TERRY C. YOUNG and GILES, HEDRICK & ROBINSON, P.A., did owe to the Plaintiff a duty to protect and not to acquire a greater interest in the homestead property of the Plaintiff other than what was awarded to said Defendants by the Final Judgment attached hereto as Exhibit "L", other than to have a lien for any payment of judgments on the property jointly held by said parties.

92. The Defendant, TERRY C. YOUNG, owed a duty to the Plaintiff not to take unfair advantage of her distressed situation, and further owed to the Plaintiff a duty to insure that the Final Judgment of dissolution of marriage attached hereto as Exhibit "L", was

carried out with respect to the ownership of the subject property by DONALD M. SIMPSON and ELEANOR S. SIMPSON in equal shares.

93. Defendant, MINNIE BRIDGES, owed a realtors fiduciary duty to Plaintiff to deal fairly and honestly. See Exhibits "HH" and "II".

94. The Defendants did willfully, maliciously and intentionally breach their duties owed to the Plaintiff to punish Plaintiff for exercising her constitutional rights to freedom of speech and due process as guaranteed by the United States Constitution.

95. As a direct and proximate result of the breach of duty owed to the Plaintiff by the Defendants herein, the Plaitiff has been caused to suffer the loss of her equitable value of her homestead property interest of over

$100,000.00, and has been further caused to suffer emotional distress, mental anguish, embarrassment, humiliation and loss of use of her homestead property and other compensatory damages in excess of Five Hundred Thousand ($500,000.00) Dollars.

96. This Plaintiff is entitled to punitive damages against each of the named Defendants herein due to the gross, willful or malicious conduct of the Defendants against the Plaintiff in excess of Five Hundred Thousand ($500,000.00) Dollars.

WHEREFORE, the Plaintiff sues the Defendants and demands judgment for compensatory damages in excess of $500,000.00 and punitive damages in excess of $500,000.00, and demands trial by jury and costs and attorney's fees as allowed by law.

COUNT EIGHT

COMES NOW the Plaintiff, ELEANOR S. SIMPSON, by and through her undersigned attorney and sues the Defendants, DONALD M. SIMPSON, TERRY C. YOUNG, GILES, HEDRICK & ROBINSON, P.A., and LAWSON LAMAR as Sheriff of Orange County, and alleges:

97. This court has pendant jurisdiction of the subject matter and the parties hereto.

98. This is an action for false arrest.

99. The Plaintiff is entitled to relief against the Defendants based upon the following facts:

A. On October 6, 1983, the Defendants, DONALD M. SIMPSON, TERRY C. YOUNG, and GILES, HEDRICK & ROBINSON, P.A., as a prelude to thier continued conspiracy to defeat and deprive the

Plaintiff of her rights to own personal and real property in Florida, as above alleged, did cause to be issued out of the Circuit Court in and for Orange County, Florida, case number CI 81-12174 (SIC), various civil processes as shown in the attached Exhibit "T", authorizing the Sheriff of Orange County, Florida to enter the homestead of the Plaintiff, ELEANOR S. SIMPSON, at a time when the Defendants, DONALD M. SIMPSON and TERRY C. YOUNG knew that the Plaintiff was in a very precarious mental state, suffering from severe state of depression and suffering from other emotional problems as a direct result of the abuse of grocess of the Defendants in attempting to enforce a Final Judgment attached hereto as Exhibit "L". Such Order violated Plaintiff's federal due process of law. The order was wholly outside the

scope of Gridley, exercise of Judicial authority, and in violation of U.S.C., Title 42, Section 1983.

B. On October 6, 1983, while in her own home, the Defendants, DONALD M. SIMPSON and TERRY C. YOUNG, did cause the Plaintiff to be put under arrest for protecting her personal items of property in possession to which she has held over forty (40) years in violation of Plaintiff's civil rights. Plaintiff is sixty-five (65) years old and a senior citizen. See attached Exhibit "OO" setting forth additional facts in support of this claim.

C. In particular, the Plaintiff was arrested by a deputy sheriff of LAWSON LAMAR without an arrest warrant or probable cause and without proper supervision or proper training in protecting Plaintiff's civil rights. The

Defendant LAWSON LAMAR was aware of the illegal nature of the aforesaid writ, since the sheriff was represented at the hearings involved, but did individually, and in particular, allow his deputy sheriff to enter the home of the Plaintiff for the purpose of assisting and aiding the Defendants, and with the further purpose of punishing the Plaintiff for her resistance to the unlawful prior writ of the Circuit Court, knowing at the time when the Plaintiff did not possess the requisite mental capacity to commit such crimes as alleged by the deputy sheriff of LAWSON LAMAR. LAWSON LAMAR knowingly served an illegal forceable writ of entry. Under the Sheriff's instructions, the Deputy refused to allow Plaintiff to go the the final court hearing on the TANYA PLAUT suit but instead took Plaintiff to jail

as part of the conspiracy to defeat and deprive Plaintiff of her civil rights to freedom from false arrest and due process.

D. Said charges were subsequently dismissed by the State Attorney's office of Orange County, Florida based upon the written opinion of psychiatrist, Daniel H. Golwyn, M.D., that the Plaintiff suffered from depression and extreme stress during the two (2) years immediately prior to October 6, 1983, relating to a divorce from her husband, DONALD M. SIMPSON of forty-two (42) years. It was the opinion of said Dr. Golwyn that the mental state of the Plaintiff was so disturbed that her ability to differentiate right from wrong was severally impaired. The Plaintiff had believed she was protecting her marital home and its contents from

unlawful attempts to take all of her personal belongings, gifts, and inheritance, and more than what was order by the court pursuant to the Final Judgment of Dissolution.

E. The Plaintiff was in a state of emotional shock and fell to the floor in exhaustion with her being handcuffed and arrested at the instance of the Defendants, DONALD M. SIMPSON and TERRY C. YOUNG. The Plaintiff was placed in handcuffs and incarcerated for about six hours that day, when she was released and brought to the mental health ward at Orlando Regional Medical Center, Holiday Division, Tower 6, and admitted. At the time of her admission she was physically exhausted and severally depressed. Plaintiff was not released from the hospital until October 12, 1983.

F. The Defendants did maliciously participate with each other in an abuse of process by having the Plaintiff falsely arrested and causing her great mental anguish and physical abuse, and suffering as part of a conspiracy to deny her civil rights as more fully alleged in Exhibits "B", "MM", "NN", "OO" and "PP", attached hereto.

G. The Plaintiff was caused to employ the services of an attorney to have the charges against her dismissed.

H. As a further direct and proximate result of the Defendants acts complained of herein, the Plaintiff has been caused to suffer severe mental anguish, public embarrassment and humiliation.

WHEREFORE, the Plaintiff, ELEANOR S. SIMPSON, sues the Defendants, DONALD M. SIMPSON, TERRY C. YOUNG, GILES, HEDRICK & ROBINSON, P.A., and LAWSON LAMAR, for

compensatory damages in excess of $500,000.00, punitive damages in excess of $500,000.00 each and such other and further relief as this court deems mete and just and demands trial by jury, costs and attorney's fees as allowed by law.

COUNT NINE

COMES NOW the Plaintiff, ELEANOR S. SIMPSON, by and through her undersigned attorney and sues the Defendant, DONALD M. SIMPSON, TERRY C. YOUNG, and GILES, HEDRICK & ROBINSON, P.A., and alleges as follows:

100. In violation of Title 18, U.S.C., Section 2520, the Defendants, DONALD M. SIMPSON, TERRY C. YOUNG, and GILES, HEDRICK & ROBINSON, P.A. did cause to be placed in the Plaintiff's personal phone, an electronic eavsedropping device.

101. The Plaintiff did discover the existence of such electronic device

during the month of March, 1984.

102. The Plaintiff is unaware of exactly how long said electronic device was planted in her home telephone, but alleges and believes it was for a period in excess of twenty-four (24) months.

103. The Defendants, DONALD M. SIMPSON, TERRY C. YOUNG, and GILES, HEDRICK & ROBINSON, P.A., have invaded the personal rights of privacy of the Plaintiff by intercepting and disclosing or using in violation of Title 18, U.S.C., Section 2520 various communications of the Plaintiff through her private home telephone.

104. The Plaintiff has been caused to suffer mental anguish, embarrassment, humiliation and the loss of her privacy, and has been caused to suffer monetary damages by the disclosure of various statements and the judicial proceedings

used against her in her dissolution proceedings.

105. The Defendants have intentionally violated Title 18, U.S.C., Section 2520 and are liable to her for her attorney's fees and court costs and punitive damages.

106. In particular, the Plaintiff would show unto the court that the Defendant TERRY C. YOUNG, did make use of and make disclosure to the Fifth District Court of Appeal during the oral arguments of the Plaintiff's appeal of her dissolution proceedings of various alleged statements, including that the Plaintiff was going to sell various Hummels, which these Defendants knew was untrue. This information was obtained by the unlawful interception of Plaintiff's home telephone and was a complete mischaracterization and misrepresentation

of the statements made by the Plaintiff while said in the privacy of her own home phone.

107. The Defendants, DONALD M. SIMPSON and TERRY C. YOUNG, individually and as an authorized agent for GILES, HEDRICK & ROBINSON, did also disclose and use to the other circuit judges involved in the Plaintiff's dissolution proceedings, other confidential communications made by the Plaintiff, as a result of the unlawful interception and electronics eavsdropping of Plaintiff's home phone. Said Defendants made misrepresentations and falsified and attributed the Plaintiff's various statements she did not make, but only could have known by the use of unlawful electronic devices.

WHEREFORE the Plaintiff sues the Defendants, DONALD M. SIMPSON, TERRY C. YOUNG and GILES, HEDRICK & ROBINSON, P.A.

for compensatory and punitive damages in excess of Five Hundred Thousand ($500,000.00) each, and demands trial by jury and demands costs and attorneys fees as allowed by said section of the United States Code.

Filed May 27, 1983

IN THE CIRCUIT COURT IN AND
FOR ORANGE COUNTY, FLORIDA

CIVIL ACTION NO. CI-81-12127

IN RE: The Marriage of

DONALD M. SIMPSON,

Husband,

and

ELEANOR S. SIMPSON,

Wife.

_____/

FINAL JUDGMENT

THIS ACTION was heard before the Court on May 3, 4 and 5, 1983. On the evidence presented, it is hereby ORDERED AND ADJUDGED that:

1. The bonds of marriage between Husband, DONALD M. SIMPSON, and Wife, ELEANOR S. SIMPSON, are dissolved a vinculo matrimonil because the marriage is irretrievable broken.

2. All of the stocks held by the

parties, as reflected on the Addendum Updating Joint Stipulation of Assets of the Parties, shall be equally split and divided among the parties, with all odd shares incapable of division being sold and/or liquidated with the proceeds from same being equally divided.

3. All of the mutual funds held by the parties, as reflected on the Addendum Updating Joint Stipulation of Assets of the Parties, shall be equally split and divided among the parties, with all odd shares incapable of division being sold and/or liquidated with the proceeds from same being equally divided.

4. The certificate of deposit currently held by the parties at First Federal Seminole Savings and Loan Association, shall be equally split and divided among the parties upon maturity.

5. All jointly held cash in the form of broker accounts, including Merrill Lynch account #76262120 and money market funds, shall be split and equally divided between the parties.

6. All other cash and cash accounts and municipal bonds currently held by each respective party shall be retained by each party as presently held and listed on the Addendum Updating Joint Stipulation of Assets of the Parties.

7. All of the KEOGH accounts of ELEANOR S. SIMPSON, as listed on the Addendum updating Joint Stipulation of Assets of the Parties, shall be retained by ELEANOR S. SIMPSON for her exclusive use and benefit.

8. ELEANOR S. SIMPSON is hereby awarded as permanent, periodic alimony fifty percent (50%) of the net disposable proceeds of DONALD M. SIMPSON's retired

U.S. Army pay entitlement. DONALD M. SIMPSON shall pay said fifty percent (50%) of the net disposable proceeds of his retired U.S. Army pay entitlement once a month, on or before the fifth (5th) day of each month, to the Clerk of the Circuit Court, Ninth Judicial Circuit in and for Orange County, Florida, and the Clerk shall promptly remit said monies to ELEANOR S. SIMPSON, whose present address is 3207 Cullen Lake Shore Drive, Orlando, Florida. There is assessed as costs for handling each such payment the additional sum of Two Dollars ($2.00) which DONALD M. SIMPSON shall pay to the Clerk each time payments are made. Such payments plus cost are to be made by either cash, postal money order, American Express money order, bank draft, cashier's check or certified check.

9. DONALD M. SIMPSON is hereby awarded his 1979 Chevrolet Monte Carlo, boat, guns, fishing equipment, tools, accessories and other personal effects, and ELEANOR S. SIMPSON is hereby awarded her 1980 Cadillac and other personal effects in recognition of the approximate equal value of each parties' said property.

10. All personal property listed and scheduled on the MJM appraisals, Inc., Attachment C to Husband's current financial affidavit as of April 21, 1983, shall be equally divided by the parties through agreement on the basis of the listed valued therein within ten (10) days of entry of this Final Judgment. However, if the parties cannot agree upon such division, upon proper motion before this court, the court shall make said division.

11. The parties shall each be awarded equal interest in the marital home, and the house shall be partitioned through a public sale in the event the parties have not sold the house themselves within six (6) months from the date of the entry of this Final Judgment. All net proceeds from the sale shall be equally distributed between the parties.

12. ELEANOR S. SIMPSON shall be awarded the temporary use and possession of the said marital home until said sale.

13. ELEANOR S. SIMPSON is awarded the sum of TWENTY THOUSAND DOLLARS ($20,000.00) as restitution and reimbursement of one-half (1/2) of the marital assets which were expended by DONALD M. SIMPSON.

14. There shall be no other awards of alimony, periodic, rehabilitative or lump sum, other than set forth above.

15. There are no findings of any special equities whatsoever as a result of the acquisition of the marital estate through the joint efforts of the parties without contribution from any sources wholly unconnected with the marriage.

16. There shall be no award of attorney's fees and each party shall be responsible for their own attorney's fees and costs.

17. There shall be no further adjustment of the equities bewteen the parties other than set forth above.

18. Any and all other orders of Court which conflict with this final judgment are hereby vacated.

19. The court being advised of the Husband's agreement to voluntarily assign all Survivor benefits of Military Retirement Pay to the Wife, such voluntary assignment is incorporated

herein and the parties are directed to execute all written documents necessary now, or in the future, to comply herein.

20. All parties shall perform all acts and do all things necessary and cooperate with one another to effectuate the intents, purposes, and directions of this order within ten (10) days from the date of the entry of this final judgment.

DONE AND ORDERED in Chambers at Orlando, Florida this 24th of May, 1983.

/S/ WILLIAM C. GRIDLEY, CIRCUIT JUDGE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to Terry C. Young, Esquire, P.O. Box 2631, Orlando, Florida 32802 and Ben W. Thompson, Esquire, P. O. Box 466, Dade City, Florida 33525 by mail this 24th of May, 1983.

/S/ Secretary of above Circuit Judge

IN THE CIRCUIT COURT
IN AND FOR ORANGE
COUNTY, FLORIDA

CIVIL ACTION NO. CI81-12127

IN RE: The Marriage of

DONALD M. SIMPSON

Husband

and

ELEANOR S. SIMPSON

Wife

_____/

ORDER GRANTING PERMISSION FOR SHERIFF'S FORCEABLE ENTRY DURING RECOVERY OF PERSONAL PROPERTY

THIS CAUSE having come on for hearing before me the 30th day of September, 1983, upon the Husband's Motion for an order permitting the Sheriff's Forceable Entry During Recovery of Personal Property, and the Court having heard argument of counsel and being otherwise fully advised in the premises, it is thereupon

ORDERED AND ADJUDGED that said Motion is hereby granted; and that the Orange County Sheriff's Department is hereby authorized by this Court to "break into" or otherwise forceably enter the premises of 3207 Cullen Lake Shore Drive, Orlando, Orange County, Florida in the event it become necessary for the purpose of carrying out this Court's order of the 19th day of August, 1983, a copy of which is attached hereto, and the Writ of Attachment in order to obtain the subject property identified and described therein. It is further

ORDERED AND ADJUDGED that the Orange County Sheriff's Department shall execute upon said Order and Writ as fully as possible and to such extent that the subject property is reasonably identifiable. If is further

ORDERED AND ADJUDGED that the Orange County sheriff's Department is authorized to arrest any person interfering with the execution of this Order or Writ. On any such arrest, the arresting officer is to contact the attorney for the Husband, Terry C. Young, 425-3591; the attorney for the Wife, Ben Thompson, (904)567-3080 and the Court at 420-3246 and is to bring the subject person immediately before the undersigned judge for .... unavailable for a hearing on the day of the arrest, bond is set on the contempt charge of $500, conditioned on the accused appearing before the Court at a future time scheduled by the Court.

DONE AND ORDERED in Chambers at Orlando, Orange County, Florida, this 4th day of October, 1983.

/S/William C. Gridley
Judge of the Circuit Court

I HEREBY CERTIFY that a true and copy

of the foregoing has been furnished to Mr. Ben W. thompson, Post Office Box 466, Dade City, Florida 33525, Attorney for Wife; Mr. Terry C. Young, Post Office Box 2631, Orlando, Florida 32802, Attorney for Husband, and Mr. William C. Vose, 2400 W. 33rd Street Orlando, Florida 32809, Staff Attorney for Sheriff of Orange County by mail/hand delivery this 4th day of October, 1983.

/S/Gay Aaron
Secretary to above Circuit Judge

IN THE CIRCUIT COURT
IN AND FOR ORANGE
COUNTY, FLORIDA

CIVIL ACTION NO.:
CI-81-12127

IN RE: THE MARRIAGE OF
DONALD M. SIMPSON

Husband, FILED: JUNE 9, 1983

and

ELEANOR S. SIMPSON,

Wife.

FACTS - SHOWING THE ABUSE OF JUSTICE AND THE SHAM OF THIS TRIAL

1. Denial and evidence of fraud and embezzlement.
2. Denial of testimony of key witnesses for wife.
3. Complete disregard of Judge Cooper's orders from previous hearings, covering an 8 month period at great expense.
4. Complete disregard of the NEW FEDERAL BILL No. 97-252.

5. Denial of testimony of Lois Jones, an expert on Bill No. 97-252, because she was fraudulently called a lobbyist, which she IS NOT, AND NEVER HAS BEEN. She is the President of National ACTION For Former Military Wives, a non-profit organization.
6. Complete disregard of undue coercion, concealment, collusion, harassment and perjurous testimony of husband, acting in concert with husband's attorney.
7. Denial of my constitional rights for a fair and unbiased trial. (Malicious obfuscation of critical testimony and evidence to wife's case----Calculated Obstruction of Justice.)
8. Denial of continuance for HEALTH REASONS, at the cost of wife of $75,000.00 in additional attorney's fees, and extreme mental anguish (aggravating diagnosed ulcers and

colitis.)

9. Denial of Donna Jackson's testimony, husband's 26 year old paramour and an admitted drug addict, due to sequestering of same.

10. Denial of Donna Jackson's deposition into evidence by Terry Young, Esq. (he deliberately and knowingly--- witheld it from a scamed court file) thereby preventing cogent, pertinent evidence, crucial to wife's case.

11. Betrayal of Trust fund by Terry Young, Esq., husbands, attorney. (Mis-appropriation of joint assets, designated for a specific trust.)

/S/ ELEANOR S. SIMPSON,
WIFE

I hereby certify that a true and correct copy of the foregoing has been furnished to Terry C. Young, Esquire, P.O. Box 2631, Orlando, Florida 33524

and to William C. Gridley, Circuit Judge in and for Orange County, Florida-in open court by hand by me on this 9th day of June, 1983.

/S/ ELEANOR S. SIMPSON, WIFE
3207 Cullen Lake Shore Drive
Orlando, Florida 32812

Judicial Qualifications Committee
Florida Bar
Congress of the United States
Senate of the United States
President of the United States
Gov. of the State of Florida
Sec. of the Army
Sec. of the Navy
Sec. of Defense
Dept. of Defense
Supreme Court of the United States
Supreme Court of the State of Florida

SUPREME COURT OF U.S. #84-313
WRIT OF CERTIORARI - DENIED
10/15/84

ORANGE COUNTY, FLORIDA

5th District Ct. of Appeal
#84-959

FIFTH DISTRICT COURT OF APPEAL
#82-1501

#83-825 (Tanya Plaut)-Homestead

CIRCUIT COURT CASE NO. 85-8931
U.S. District Court - Middle Div. Orl. Div #85-455

SIMPSON VS SIMPSON

DISSOLUTION OF MARRIAGE

CIVIL ACTION #81-12127

(Tanya Plaut) #83-4444

FORCEABLE ENTRY #83-007376
STATE OF FLORIDA VS. ELEANOR SIMPSON
MO83-7376

Facts:

1. In my opinion, Terry Young, attorney for Donald M. Simpson was retained on a percentage basis in marital law. Percentage of money he was to get for Donald M. Simpson and for Donald M.

Simpson's Mission in Life, Donna Jackson (27 year old drug addict, prostitute, married woman with $100 to $240 a day drug habit). The tactics and methods used to deplete the life assets, mislead the court, waste the taxpayers money is scandalous and should be investigated!!!

2. Terry Young was previously reported to the Florida Bar for having betrayed his trust account and perjury that was used for over three years.
3. In December, 1981 the Simpson Estate was worth $600,000. As of Dec. 1984 Eleanor S. Simpson's Estate is worth less than $100,000. Through Extortion and fraud Terry Young planned a forced Sheriff Sale of Eleanor Simpson's Homestead of 22 years, together with Tanya Plaut, attorney (withdrew from Simpson divorce case in Jan. 1983 10

days prior to trial for the implementation of new Federal Law 97-252 (Title X). Judge Gridley allowed Tanya Plaut to withdraw on the grounds she might be sued for malpractice by Eleanor S. Simpson. Tanya Plaut had been retained to have Judge Gridley recuse himself from the Simpson vs. Simpson dissolution on the grounds of Prejudice and fear of not being allowed a fair trial!! (See Travesty of Justice & Sham of the Trial).

4. The final judgment which Judge Gridley accepted was written in its entirety by Donald M. Simpson who completely ignored the new Federal law 97-252 where Eleanor S. Simpson was to be the Landmark case in the State of Florida on the military retirement being divided as property (not alimony from the Clerk of the Court of Orange

County) in an Eqitable Distribution State which Florida is!

5. Eleanor Simpson not only earned the right to 50% of the gross military retirement and 50% of the Martin Pension after a 43 year marriage with 24 in the military service since all her real estate commission moneys earned in 22 yrs. in real estate were used to purchase stocks and bonds (liquid assets held by Merrill Lynch Stock Brokers, purchased joint tenants with right of survivorship, and all dividends and interest were always declared on a joint IRS return until May 1983. Donald M. Simpson refused to allow Eleanor Simpson to have an insurance annuity of her own with the $350,000 earned in real estate over and above what she had earned as a military wife!!

6. By having a Sealed file, Terry Young, maliciously withheld all charts or any evidence that Eleanor Simpson was the only wage earner in the State of Florida from 1978 to the trial. Blackmale was used by Terry Young to divide the Merrill Lynch assets equally after Eleanor Simpson's attorney, Mr. Ben Thompson of Dade City, Florida had taken the final judgment to the 5th District Court of Appeals due to the inequitable division of the marital assets and the withholding of evidence of the $80,000 to $90,000 that had been mispent against Judge Cooper's original restraining orders for the preservation of lifetime assets prohibiting the invasion of the Merrill Lynch assets until trial!!!

7. Terry Young repeatedly told the court that Eleanor Simpson did not have a special equity when he knew how successful she had been in real estate - $350,000 purchased Bearer Bonds 1980-1981 plus stocks and bonds since 1963 (See IRS returns!!!

8. The military retirement was supposed to be retroactive if the judge awarded a percentage to the ex-spouse. Why wasn't it?

9. Terry Young maliciously used two different appraisals for the division of Eleanor Simpson's personal belongings and convinced Judge Gridley Donald M. Simpson was to be the appraiser. In spite of proof of gifts and inheritance, Eleanor Simpson's personal belongings were stolen from her October 6, 1983 by forceable entry by the Sheriff's department of Orange

County, Florida where Gestano tactics were used and Eleanor S. Simpson was put in handcuffs in her own home while she was protesting her property and taken to jail in Orange County. Such abuse of process!!!

10. No IRS returns were ever used or sent over to the 5th District Court of Appeals. Why???

11. Terry Young told the 5th District Court of Appeals at the hearing Jan. 17, 1983 with the liquid assets that were divided Eleanor Simpson was assured an income of $35,000 a year. After debt and legal fees were paid by Eleanor Simpson she was assured an income of $15,000 a year. Reverse psychology was continuously used Terry Young as that is what Donald M. Simspon was assured of then went back to work at the Martin Company with a

starting salary of at least $35,000 and all the benefits---Conn. General which he refused to continue for Eleanor Simpson.

12. Donald M. Simpson purchased our 22 year homestead at 3207 Cullen Lake Shore Dr., Orlando, Florida for $8500 with Eleanor Simpson's restitution money! He redeemed a $20,000 C.D. at Coral Gables Federal Savings and Loan Association in March prior to the Sheriff's sale on the Courthouse steps ----Fraud and Extortion used by Terry Young. The C.D. was an empty C.D. and was supposed to be a supercedes bond held in trust by the Clerk of the Court of Orange County. The $20,000 was to be paid in June, 1983 to Eleanor S. Simpson in the event she wished to purchase the homestead at a reduced price or list it with her real

estate firm after the division of the Merrill Lynch stocks and bonds had been divided equally so Donald M. Simpson could purchase a home. (See Transcript of June 9th hearing in 1983, Ready, Willing and Able letter written to Ben Thompson by Terry Young in June 1983 and final transcript Sept. 1984 in Judge Gridleys Chamber where it was revealed the Supercedes bond was not held in trust. Terry Young tried to say he had just heard about Donald M. Simpson redeeming it directly from Coral Gables when he knew in March 1984 he and Tanya Plaut set Donald M. Simpson up so he could be paid his legal fees with all my equity of 22 years. Donald M. Simpson took a $90,000 loan with Sun Bank in Spring using his half interest in the marital home while it was on appeal!!!

ABUSE OF PROCESS

13. Judge Lon Cornelius should have set the Sheriff's sale aside as it was for less than fair market value at Donald M. Simpson's buy in figure!!!

14. Judge Claude Edwards ordered Eleanor Simpson out of her homestead of 22 years with only 24 hours notice. The homestead was sold by Donald M. Simpson as the sole owner, Lis Pendens was removed by Judge Cornelius and Judge Gridley and all this happended prior to the 5th District Court of Appeals dismissing Mary Steddom's rehearing for the 5th District gave a per curiam affirmed without an opinion Jan. 17, 1983. 3207 Cullen Lake Shore Dr. listed and sold in one day for $50,000 to $60,000 under fair market value for $175,000.

15. Eleanor Simpson is a senior citizen who has been denied the right to private property ownership in the United States of America.

16. On Nov. 8, 1984 Eleanor Simpson had emergency lung surgery. A tumor the size of a golf ball had developed in the right lung. Following the forceable entry by the Sheriff's Dept. Oct. 6, 1983 she had a clear chest x-ray at Lucerne Hospital.

17. The Simpson vs. Simpson dissolution was pattered after the Wescott vs. Wescott dissolution in 1982 during the McCarty vs. McCarty era in the military ... Two highly successful professionals in real estate careers have been destroyed by prejudicial judges in Orange County and fraudulent attorneys.

18. In my opinion Terry Young has been aiding and abetting crime in Orange County, Florida since 1981 and FORUM Shopped to get Judge Gridley on this bizarre atrocity case. I have the proof and evidence!!

19. For over 3 years Eleanor Simpson has been denied all her constitutional rights!!!

20. As Sylvia Porter writes Divorcees are left Pensionless! Eleanor Simpson has been left homeless, insuranceless, her inheritance taken away from her and the advesarial ex-husband, Donald M. Simpson and Terry Young had the only legal rights in this travesty of justice in Orange County, Florida. ABUSE OF PROCESS IS A DISGRACE TO THE LEGAL PROFESSION!!!!!

21. The final judgment order the homestead to be sold and the monies to be

divided!! Eleanor Simpson was making all mortgage payments and paid $1735.00 taxes for the year of 1983. Terry Young compared the fraudulent Sheriff's sale to a 1976 case law that was a mortgage foreclosure. 3207 Cullen Lake Shore Drive had an original mortgage of 6% with American Federal Savings & Loan Association now Coral Gables Fereral Savings & Loan Association yet they were not present for the sale on the Courthouse steps.

22. In the final judgment Judge Gridley DID NOT RETAIN JURISDICTION yet abused his discretionary power----every hearing of 2 1/2 years, Eleanor Simpson was denied every constitional right & civil rights....Due Process was used by Terry Young when Judge Cooper withdrew from the Simpson vs. Simpson dissolution. "His Client was

not Alloved Due Process"!

23. In my opinion, Terry Young, attorney and Donald M. Simpson frauded the U.S. Government on the Survivor Benefit Plan. As Terry Young so cleverly phrased it in his Ready, Willing & Able Letter---he would not jeipardize Mrs. Simpson's position with Army Finance by informing them that the Simpsons were divorced this saved Donald M. Simpson approximately $30.00 a month for the SBP cost more for the military to provide it for an ex-spouse than a wife!!! See transcript of hearing where Judge Gridley was finally informed that Donald M. Simpson refused to voluntarily assign the SBP.

24. Ben Thompson was supposed to hold Donald M. Simpson in contempt of court in March but Terry Young convinced him

that he could not sign the form from Army Finance because it was over at the Appellate Court!!!! Tactics continuously used by this fraudulent attorney who saw a cash register and knew from Dec. 1981 where Eleanor Simpson lifetime savings were being expended on a 27 yr. old drug addict married woman who is on 6 years probation. See Donna Jackson's criminal record!!!!

25. The diminuation of Eleanor Simpson lifetime estate & pension planning is a disgrace to the legal & judicial profession in the State of Florida!!!

26. New Marital Law in the State of Florida do not allow any judge to give away another person's gifts and inheritance---forceable entry was grand larceny!!!

27. Sale on the Court House Steps was a Set-Up by Terry Young & Tanya Plaut --- EXTORTION, FRAUD & PERJURY!!!

28. Check Court Transcript Set. 11, 1984 regarding Superseded Bond which was not held in trust by the Clerk of the Court for Eleanor Simpson but was an empty C.D. since Donald M. Simpson & Terry Young attorney with Giles, Hedrich & Robinson redeemed it in March 1983 without a court order & used part of the 422,000(plus) to pay Terry Young's fees again & to purchase Eleanor Simpson's 1/2 interest in her homestead of 22 years $170,000 to $200,000 equity (total) for less than $8,500...(with E.S.S. own monies)... Donald M. Simpson was set-up by Terry Young & Tanya Plaut. Check same transcript regarding SBP which was never sent into Army Finance until

Dec. 1984. Terry Young & D.M. Simpson frauded the U.S. gov't. by not informing them the Simpsons were divorded in Florida May 24, 1983. Army Finance was not informed by Donald M. Simpson until Jan 1985!!! See Terry Young's Ready Willing & Able letter written to Ben Thompson June 1983!!!

29. Donald M. Simpson's Financial Affidavit used at the May 3, 4, 5, 1983 trial awarded Donna Jackson (Indigent, married, 27 yr. drug addict with criminal record dating back to age 15 - prostitute on 6 yrs. probation (See Donna Jackson's rap sheet from Seminole County Court House -- $10,000 bail posted March 1982 with joint marital assets from the Simpson retirement & estate planning pensions) awarded by Judge Gridley $400 a month

of the joint marital assets that were divided by the final judgment; $735 Alimony to a wife of 42 years. All Martin retirement pension, U.S. Military retirement pension to Donald M. Simpson yet the Merrill-Lynch stocks & bonds which represented all of Eleanor Simpson's earnings in real estate commissions $350,000 total reinvested for over 22 years --- her special equity over and above what she had earned as a military wife in 42 years of marriage---24 in military service!!! In all out of court settlements she was willing to divide this to make her lifetime income equal to his See Snyder-Pension Planners equal division of all the marital assets---As a Pension planner he was never used as a Professional Witness nor were any IRS returns even

discussed or entered into the Sealed File. Reason: Terry Young was operating on a percentage basis so he didn't want my Special Equity proven!!!

Eleanor Simpson was used as a tax deduction & a military dependent and was never allowed an insurance annuity of her own---always told the stocks and bonds would were held as JTWROS. In the course of 3 years divorce litigation where an adversarial husband was allowed to write the final judgment in its entirety, prejudicial judge (See Excerpts from Tanya Plaut Brief to 5th District Court of Appeals) and in my opinion an opposing attorney was allowed to use fraud, extortion, concealment, conspiracy, black mail, perjury and lies for over three years. My divorce is a total

disgrace to the legal profession!! See my Travesty of Justice and the Sham of the Trial!! Aiding & Abetting Crime in Orange County!!!Judge Gridley quote "What rights does that woman have to control where that man spends her money--- That Money"!!! See Appelate Brief that went to the 5th District Court of Appeals to have Judge Gridley recuse himself from my divorce action. He was only concerned with the rights of a hostile spouse.

I certify that the comments and remarks in the foreoing pages are correct to the best of my knowledge and understanding.

/S/ ELEANOR S. SIMPSON

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

CASE NO. 85-455-CIV-ORL

ELEANOR S. SIMPSON

Plaintiff,

vs.

DONALD M. SIMPSON, et al.

Defendant.

_____/

ANSWER AND AFFIRMATIVE DEFENSES
OF LAWSON LAMAR TO COUNT 1 OF THE
FIRST AMENDED COMPLAINT

Defendant, LAWSON LAMAR, as Sheriff of Orange County, Florida, files his Answer and Affirmative Defenses to Count 1 of the First Amended Complaint as follows:

1. Defendant, LAWSON LAMAR, admits that at all times material to the allegations of the Complaint he was the sheriff of Orange County, Florida

2. Defendant admits that Exhibit "D" attached to Plaintiff's First Amended

Complaint is a copy of Notice of Sheriff's Sale executed by Deputy Sheriff Trainum of the Orange County Sheriff's office.

3. Defendant admits that plaintiff was not present at 11:00 a.m. for the sale of that real property described in the Notice of sheriff's sale attached to plaintiff's First Amended Complaint as Exhibit "D".

4. Defendant admits that by a Sheriff's Deed dated May 2, 1984, Lawson L. Lamar, as Sheriff of Orange County, Florida did sell to Donald M. Simpson all of the right, title and interest of Eleanor Simpson in and to certain real property located in Orange County, Florida.

5. Defendant, LAWSON LAMAR, denies each and every remaining allegation of Count I of the First Amended Complaint

not specifically admitted above.

6. Defendant, LAWSON LAMAR, affirmatively alleges that this Court lacks jurisdiction of the subject matter of Plaintiff's claim as it fails to state a cause of action against Defendant, LAWSON LAMAR, which is cognizable under 42 U.S.C. Statute 1983 or any other statute which would provide this Court with jurisdiction.

7. To the extent that Count I of the First Amended Complaint seeks to hold LAWSON LAMAR vicariously liable to the Plaintiff for alleged violations of her civil rights committed by otheres, the claim against LAWSON LAMAR cannot stand. Vicarious liablilty is not a proper basis for recovery under the Civil Rights Act.

8. Defendant, LAWSON LAMAR, affirmatively alleges that he enjoys an absolute immunity from suit for some or

all of the actions alleged to have been committed by him in the First Amended Complaint.

9. Defendant, LAWSON LAMAR, affirmatively alleges that he enjoys a qualified immunity from suit for some or all of the actions alleged to have been committed by him in the First Amended Complaint.

I hereby certify that copy hereof was furnished to the following this 4th day of November, 1985, by U.S. Mail: James R. Lavigne, 541 S. Orlando Avenue, Suite 201, Florida National Bank Building, Maitland, Florida 32751; W.L. Kirk, Jr., P.O. Box 1873, Orlando, Florida 32802; William G. Osborne, 800 N. Highland Avenue, Suite 104, Orlando, Florida 32803; Duncan B. Dowling, III, P. O. Box 3427, Orlando, Florida 32802; Raymond Goodman, 112 S. Lake Avenue, Orlando,

Florida 32802; Wallace W. Tudhope, P. O. Box 6086-C, Orlando, Florida 32802.

/S/ JEFFREY G. SLATER
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